



# SENEGAL

## COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

20 October 2010



**SECURING OUR BORDER CONTROLLING MIGRATION**

## Contents

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### Preface

### Latest News

#### EVENTS IN SENEGAL FROM 30 SEPTEMBER 2010 TO 12 OCTOBER 2010

##### Useful news sources for further information

Paragraphs

### Background Information

1.	<b>GEOGRAPHY</b> .....	<b>1.01</b>
	<b>Ethnicity, language and religion</b> .....	<b>1.06</b>
	<b>Map</b> .....	<b>1.10</b>
2.	<b>ECONOMY</b> .....	<b>2.01</b>
3.	<b>HISTORY</b> .....	<b>3.01</b>
	<b>Overview</b> .....	<b>3.01</b>
	<b>The Casamance Movement: 1947 – 2009</b> .....	<b>3.07</b>
	Peace negotiations.....	3.11
	Renewed conflict.....	3.16
4.	<b>RECENT DEVELOPMENTS</b> .....	<b>4.01</b>
	<b>Casamance conflict: 2009 to present</b> .....	<b>4.01</b>
5.	<b>CONSTITUTION</b> .....	<b>5.01</b>
6.	<b>POLITICAL SYSTEM</b> .....	<b>6.01</b>

### Human Rights

7.	<b>INTRODUCTION</b> .....	<b>7.01</b>
8.	<b>SECURITY SITUATION</b> .....	<b>8.01</b>
	<b>Casamance</b> .....	<b>8.01</b>
	Casamance landmine casualties.....	8.07
	Treatment of MFDC members by the security forces.....	8.08
9.	<b>SECURITY FORCES</b> .....	<b>9.01</b>
	<b>Police</b> .....	<b>9.01</b>
	<b>Armed forces</b> .....	<b>9.03</b>
	<b>Human rights violations by the security forces</b> .....	<b>9.04</b>
	Arbitrary arrest and detention.....	9.04
	Torture and mistreatment.....	9.09
	Extra-judicial killings.....	9.13
	<b>Avenues of complaint</b> .....	<b>9.17</b>
	Training and development in the police.....	9.18
	Impunity and prosecution of security force personnel .....	9.19
10.	<b>MILITARY SERVICE</b> .....	<b>10.01</b>
11.	<b>ABUSES BY NON-GOVERNMENT ARMED FORCES</b> .....	<b>11.01</b>
12.	<b>JUDICIARY</b> .....	<b>12.01</b>
	<b>Overview</b> .....	<b>12.01</b>
	<b>Organisation</b> .....	<b>12.02</b>
	<b>Independence</b> .....	<b>12.05</b>
	<b>Fair trial</b> .....	<b>12.08</b>

- ii The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

	Hissene Habre Trial .....	12.12
13.	<b>ARREST AND DETENTION – LEGAL RIGHTS</b> .....	<b>13.01</b>
14.	<b>PRISON CONDITIONS</b> .....	<b>14.01</b>
15.	<b>DEATH PENALTY</b> .....	<b>15.01</b>
16.	<b>POLITICAL AFFILIATION</b> .....	<b>16.01</b>
	<b>Freedom of political expression</b> .....	<b>16.01</b>
	<b>Freedom of association and assembly</b> .....	<b>16.05</b>
	<b>Opposition groups and political activists</b> .....	<b>16.08</b>
17.	<b>FREEDOM OF SPEECH AND MEDIA</b> .....	<b>17.01</b>
	<b>Treatment of Journalists</b> .....	<b>17.06</b>
18.	<b>HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS</b> .....	<b>18.01</b>
	<b>Legal framework</b> .....	<b>18.01</b>
	<b>Human rights mechanisms and groups</b> .....	<b>18.08</b>
	<b>Human rights activists</b> .....	<b>18.12</b>
19.	<b>CORRUPTION</b> .....	<b>19.01</b>
20.	<b>FREEDOM OF RELIGION</b> .....	<b>20.01</b>
21.	<b>ETHNIC GROUPS</b> .....	<b>21.01</b>
	<b>Ethnic demography</b> .....	<b>21.01</b>
	<b>Ethnic tensions between the Wolof and Southern groups</b> .....	<b>21.02</b>
22.	<b>LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS</b> .....	<b>22.01</b>
	<b>Legal rights</b> .....	<b>22.01</b>
	<b>Treatment of Lesbian, Gay, Bisexual and Transgender Persons</b> .....	<b>22.04</b>
23.	<b>DISABILITY</b> .....	<b>23.01</b>
24.	<b>WOMEN</b> .....	<b>24.01</b>
	<b>Overview</b> .....	<b>24.01</b>
	<b>Legal rights</b> .....	<b>24.03</b>
	<b>Political rights</b> .....	<b>24.04</b>
	<b>Social and economic rights</b> .....	<b>24.06</b>
	<b>Violence against women</b> .....	<b>24.08</b>
	Rape .....	24.11
	Female genital mutilation .....	24.12
	Prostitution .....	24.14
	<b>Assistance available to women</b> .....	<b>24.15</b>
25.	<b>CHILDREN</b> .....	<b>25.01</b>
	<b>Overview</b> .....	<b>25.01</b>
	Basic legal information .....	25.04
	<b>Legal rights</b> .....	<b>25.05</b>
	<b>Violence against children</b> .....	<b>25.08</b>
	<b>Childcare and protection</b> .....	<b>25.12</b>
	<b>Education</b> .....	<b>25.14</b>
26.	<b>TRAFFICKING</b> .....	<b>26.01</b>
	<b>Government efforts to combat trafficking</b> .....	<b>26.04</b>
27.	<b>MEDICAL ISSUES</b> .....	<b>27.01</b>
	<b>Overview of availability of medical treatment and drugs</b> .....	<b>27.01</b>
	<b>HIV/AIDS – anti-retroviral treatment</b> .....	<b>27.02</b>
	<b>Mental health</b> .....	<b>27.03</b>
28.	<b>FREEDOM OF MOVEMENT</b> .....	<b>28.01</b>
29.	<b>INTERNALLY DISPLACED PERSONS (IDPs)</b> .....	<b>29.01</b>
30.	<b>FOREIGN REFUGEES</b> .....	<b>30.01</b>
31.	<b>CITIZENSHIP AND NATIONALITY</b> .....	<b>31.01</b>
32.	<b>EXIT AND RETURN</b> .....	<b>32.01</b>
33.	<b>EMPLOYMENT RIGHTS</b> .....	<b>33.01</b>

## Annexes

- Annex A – Chronology of major events**
- Annex B – Political organisations**
- Annex C – List of abbreviations**
- Annex D – References to source material**

The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

## Preface

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- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 29 September 2010. The 'Latest News' section contains further brief information on events and reports accessed from 30 September to 12 October. The report was issued on 20 October 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

**Country of Origin Information Service**

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**Email:** [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk)

**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

**INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION**

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

6 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

**Independent Advisory Group on Country Information**

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**Website:** <http://icinspector.independent.gov.uk/country-information-reviews/>

[Return to contents](#)

## Latest News

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### EVENTS IN SENEGAL FROM 30 SEPTEMBER TO 12 OCTOBER 210

*The Latest News provides a non-exhaustive selection of significant events between 30 September 2010 and 12 October 2010. Further information may also be available from the list of useful sources below.*

*The Home Office is not responsible for the content of external websites.*

- 11 October 2010      “Senegal's President Abdoulaye Wade says he is conducting a review of his country's begging ban following the arrest of seven Koranic teachers last month. Some human-rights observers have expressed concern that this means the recent steps taken to reduce forced child begging will suffer.”  
<http://www.voanews.com/english/news/africa/Senegals-Ban-on-Begging-Under-Review-104704589.html>  
Date accessed 13 October 2010
- 6 October 2010      “A group of journalists were on 2 October, 2010 manhandled by six police officers drawn from Pikine, a city in the east of Dakar, the capital of Senegal for covering an ‘illegal demonstration.’”  
<http://allafrica.com/stories/201010060944.html>  
Date accessed 6 October 2010
- 5 October 2010      “Senegal's President Abdoulaye Wade has replaced the minister of energy with his son Karim, who is already in charge of several government portfolios. The dismissal of the minister, Samuel Sarr, comes after a week of street protests against frequent power cuts. ... The president has said he plans to seek re-election in 2012 despite a dispute over him running for a third term.”  
<http://www.bbc.co.uk/news/world-africa-11475481>  
Date accessed 5 October 2010

### USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

AlertNet (Thomson Reuters) <http://www.alertnet.org/thenews/newsdesk/index.htm?news=all>  
All Africa [www.allafrica.com](http://www.allafrica.com)  
British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>  
Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>  
Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>  
One World <http://us.oneworld.net/places/senegal/>

[Return to contents](#)  
[Go to sources](#)

- 8      The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



**REPORTS ON SENEGAL PUBLISHED OR ACCESSED BETWEEN 30 SEPTEMBER AND 12  
OCTOBER 2010**

*The Home Office is not responsible for the content of external websites.*

**Freedom House**

Freedom in the press, October 2010

<http://www.freedomhouse.org/template.cfm?page=251&year=2010>

Date accessed 12 October 2010

[Return to contents](#)  
[Go to sources](#)

## Background Information

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### 1. GEOGRAPHY

- 1.01 The Permanent Committee on Geographical Names for British Official Use (PCGN) recorded, as of 5 May 2010, Senegal's official name as 'Republic of Senegal' [1]
- 1.02 The Central Intelligence Agency (CIA) *World Factbook: Senegal* profile, last updated 3 August 2010, accessed on 20 August 2010 noted that: "The Republic of Senegal has an area of 196,722 sq km and is located in Western Africa, bordering the North Atlantic Ocean, between Guinea-Bissau and Mauritania. Its border countries are The Gambia 740 km, Guinea 740km, Guinea-Bissau 338 km, Mali 419 km, Mauritania 813 km." [2]
- 1.03 The US Department of State's (USSD) *Background Note on Senegal*, updated 26 March 2010, noted that: "About 75% of Senegal's population is rural. In rural areas, density varies from about 77 per square kilometer (200 per sq. mi.) in the west-central region to 2 per square kilometer (5 per sq. mi.) in the arid eastern section. About 50,000 Europeans (mostly French) and Lebanese reside in Senegal, mainly in the cities." [3a]
- 1.04 The main cities of Senegal as noted in the USSD Background Note are: "Capital--Dakar. Other cities--Diourbel, Kaolack, Kolda, Louga, Rufisque, Saint-Louis, Thies, Tambacounda, Ziguinchor, Fatick, Matam, Kedougou, Sedhiou." [3a]
- 1.05 The estimated population of Senegal in July 2010 was 14,086,103. (CIA World Factbook, last updated 3 August 2010) [2]

### ETHNICITY, LANGUAGE AND RELIGION

- 1.06 The USSD's *Background Note on Senegal*, updated 26 March 2010, noted that: "French is the official language but is used regularly only by the literate minority. All Senegalese speak an indigenous language, of which Wolof has the largest usage." [3a]
- 1.07 The US State Department Report on *International Religious Freedom 2009, Senegal*, published on 26 October 2009 (USSD IRF Report 2009) reported that:  
"Islam is the predominant religion, practiced by approximately 94 percent of the population. Most citizens practice a syncretic form of Islam, combining Islamic practices with indigenous cultural beliefs and values. There also is an active Christian community (4 percent of the population) that includes Roman Catholics, Protestant denominations, and syncretistic Christian-animist groups. The remaining 2 percent practices exclusively indigenous religious beliefs or no religion." [3b] (Section I. Religious Demography)
- 1.08 CIA *World Factbook*, last updated 3 August 2010, noted Senegal's ethnicity as "Wolof 43.3%, Pular 23.8%, Serer 14.7%, Jola 3.7% [Diola], Mandinka 3%, Soninke 1.1%, European and Lebanese 1%, other 9.4%" [2]
- 1.09 Minority Rights Group, *World Directory of Minorities and Indigenous Peoples: Senegal Overview*, undated, accessed on 10 September 2010, stated that the main minority groups are: "Peulh and Toucouleur 3 million (23.8%), Serer 1.8 million (14.7%), Diola (Jola) 463,000 (3.7%), Mandinka 375,000 (3%), Soninke 137,500 (1.1%), European and Lebanese 125,000 (1%), other 1.2 million (9.4%)." [16]
- 10 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

**MAP**

## 1.10 Map of Senegal, courtesy of CIA World Factbook



More maps of Senegal can be found on the [reliefweb](#) website

UNHCR Maps can be found [here](#)

[Return to contents](#)  
[Go to sources](#)

**2. ECONOMY**

2.01 *Encyclopaedia of the Nations*, Senegal Economy, undated, accessed on 7 September 2010, noted that:

“Senegal's economy is based on its agricultural sector, primarily peanut production, a modest industrial sector, and a growing services sector. Agriculture, which employs up to 70% of the population and accounts for two-thirds of export revenues; is highly vulnerable to declining rainfall, desertification, and changes in world commodity prices. When the first of a series of droughts struck in the latter part of the 1960s, the economy deteriorated rapidly. As of mid-2003, 43 years after achieving independence, Senegal's resource-poor economy remains fragile and dependent upon foreign donors for continued viability. The country became eligible in 2000 for \$800 million in debt relief from the IMF/World Bank Heavily Indebted Poor Countries (HIPC) initiative.” [4]

- 2.02 The US Department of State's Background Note on Senegal, updated 26 March 2010, noted that: "The fishing sector is Senegal's export leader. In 2007, fishery products contributed 22% of Senegal's export earnings and employed about 15% of the population. Industrial fishing operations struggle with high costs, more efficient Asian and European Union (EU) competitors, and ineffective patrolling of its territorial waters against poachers. Receipts from tourism, the second major foreign exchange earner, contribute between 4.6%-6.8% of GDP annually." [3a]

[Return to contents](#)  
[Go to sources](#)

### 3. HISTORY (1960 TO 2009)

- 3.01 The following section provides a brief summary of Senegal's recent history (since independence from France), with the focus on events related to asylum issues. Further information can be found on various online sources such as [BBC Senegal Country Profile](#), and the [US Department of State Senegal Country Background](#)

#### OVERVIEW

- 3.02 The US Department of State's *Background Note on Senegal*, updated 26 March 2010, noted that:
- "In January 1959, Senegal and the French Soudan merged to form the Mali Federation, which became fully independent on June 20, 1960, as a result of the independence and the transfer of power agreement signed with France on April 4, 1960. Due to internal political difficulties, the Federation broke up on August 20, 1960. Senegal and Soudan (renamed the Republic of Mali) proclaimed independence. Leopold Sedar Senghor, internationally known poet, politician, and statesman, was elected Senegal's first President in August 1960." [3a]
- 3.03 The same source observed: "Senegal is one of the few African states that has never experienced a coup d'etat. As noted above, power was transferred peacefully, if not altogether democratically, from Senghor to Diouf in 1981, and once again, this time in fully democratic elections, from Diouf to Wade in March 2000." [3a]
- 3.04 The Freedom House report, *Freedom in the World 2010*, Senegal, covering events in 2009, released 3 May 2010, noted that:
- "Since independence from France in 1960, Senegal has avoided military or harsh authoritarian rule and has never suffered a successful coup d'etat. President Leopold Senghor exercised de facto one-party rule through the Socialist Party (PS) for nearly two decades after independence. Most political restrictions were lifted after 1981, when Abdou Diouf of the PS succeeded Senghor. He went on to win large victories in unfair elections in 1988 and 1993." [5]
- 3.05 The BBC *Senegal Country Profile*, last updated 11 August 2010, stated the following:
- "For the Senegalese, political participation and peaceful leadership changes are not new. Even as a colony Senegal had representatives in the French parliament. And the promoter of African culture, Leopold Senghor, who became president at independence in 1960, voluntarily handed over power to Abdou Diouf in 1980. The 40-year rule of

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Senegal's Socialist Party came to a peaceful end in elections in 2000, which were hailed as a rare democratic power transfer on a continent plagued by coups, conflict and election fraud. ... A long-running, low-level separatist war in the southern Casamance region has claimed hundreds of lives. The conflict broke out over claims by the region's people that they were being marginalised by the Wolof, Senegal's main ethnic group." [26b]

See also [Ethnic groups](#)

- 3.06 CIA *World Factbook*, last updated 3 August 2010, noted that "Senegal joined with The Gambia to form the nominal confederation of Senegambia in 1982. The envisaged integration of the two countries was never carried out, and the union was dissolved in 1989." [2a]

See also [Constitution](#) and [Political system](#)

### THE CASAMANCE MOVEMENT AND CONFLICT: 1947 - 2009

- 3.07 The International Institute for Strategic Studies, Armed Conflict Database, *Senegal Background 2006* stated that:

"The appearance of the Casamance movement for self-determination predates Senegalese independence (from France) in 1960. It first emerged as an organised body in 1947 when a small group formed to demand greater representation in Senegalese politics. However, the group did not formally enter the public arena until 1982, when it staged a public rally in Ziguinchor, the capital of Casamance. Calling itself the Mouvement des Forces Démocratiques de Casamance (MFDC), the group began to resort to violence in 1990, believing that its objective of self-rule could only be accomplished through a military campaign. The MFDC vowed to use violence against the Senegalese Army until the central government relinquished control of the region, which it has consistently refused to do." [7]

- 3.08 The United States Agency International Development (USAID) *IPS Final Report*, dated 21 September 2009, noted that:

"The Mouvement des Forces Democratiques de Casamance (MFDC) began as a political movement for the independence of the Casamance region of southern Senegal. Sandwiched between the Gambia and Guinea Bissau, the area shares more ethnic and linguistic bonds with the neighboring countries than with the rest of Senegal. It has a largely separate colonial history and is geographically linked to northern Senegal only in the remote eastern regions of the country. From the time of Senegalese independence, area leaders have complained of exploitation and discrimination by northerners, including land-grabbing and political marginalization. After several violent crackdowns on political protests, the MFDC developed a guerrilla force, known as the 'maquis' (also referred to as 'attika,' the Diola word for warrior) that trained in the region's forests in the late 1980's and began attacks on the Senegalese army in 1990." [6b] (p76)

- 3.09 A Foreign and Commonwealth Office (FCO) paper entitled *The Casamance Conflict 1982-1999*, dated August 1999, explained that the MFDC was founded as a political party in 1947 and launched as an 'explicitly separatist movement' in 1982. The group was associated to the Diola people who 'straddle the border with Guinea Bissau'. [18a] (cover page)

3.10 United States Agency International Development, *Final Report Support to the Casamance Peace Process*, December 2009, (USAID Report 2009) stated that:

“In 1982, a peaceful protest march organized by the MFDC [Mouvement des Forces Démocratiques de Casamance] in Casamance turned violent and fuelled one of the longest low-scale civil wars on the continent to date. The MFDC’s actions have ranged from ambushed [sic] and raids on Senegalese military units to targeted attacks on villages. The GoS [Government of Senegal] fought the MFDC, captured and interrogated civilians but has not been able to eliminate the MFDC.” [6a] (p1)

3.11 The FCO paper entitled *The Casamance Conflict 1982-1999*, dated August 1999 further explained that “[t]he MFDC... does not overtly base its demands on linguistic, cultural or ethnic grounds. However, more than 60% of Casamançais are Diola (who comprise 5.5% of the total population of Senegal) ...” [18a] (p3), but also observed that “[t]he Senegalese Government and many in Senegal (including in Casamance) have regarded a separate Casamance state as a Diola project. Whatever degree of truth there may be in this, the extent to which the MFDC is perceived as Diola in nature, as opposed to broadly Casamançais, has increased over time with recruitment to its armed wing, which was first formed in 1985.” [18a] (p4)

To access the FCO paper referred to above, refer to the link [here](#)

### Peace negotiations (since 2000)

3.12 For information on the ceasefire negotiations between 1982 and 1997 refer to the Foreign and Commonwealth Office (FCO) paper entitled *The Casamance Conflict 1982-1999* via the link [here](#)

3.13 The USAID Report 2009 observed that:

“In 2000, there was an attempt to effectively engage in negotiations for a durable peace to the Casamance conflict. A cease-fire accord was negotiated between the MFDC [Mouvement des Forces Démocratiques de Casamance] and the GoS, Peace Accords were signed in 2004 in Ziguinchor, and a meeting was held in Foundiougne (a town just north of the Gambian border in the Fatick region) in February 2005 to discuss political solutions. A second meeting was planned but never held, thus the accords have yet to be fully implemented. This has resulted in the state commonly referred to as a state of ‘no war, no peace.’ Most observers argue that the peace process broke down because of factionalization within the MFDC and lack of political will within the GoS [Government of Senegal] to push ahead. The general question of who had the legitimacy to negotiate on behalf of the MFDC and what they could reasonably negotiate remains an obstacle to finding a durable solution.” [6a] (p1)

3.14 The Amnesty International Report *Senegal: Land of Impunity*, dated September 2010, noted that an amnesty law was introduced by President Wade in 2004 for “all offences committed by the parties of the conflict in Casamance” [10b] (p5) For further details refer to the report accessible via the link [here](#).

See also [Human rights violations by the security forces](#)

3.15 The Internal Displacement Monitoring Centre (IDMC) report entitled *New displacement and challenges to durable solutions in Casamance, Senegal*, dated 8 June 2010, further observed:

14 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

“Foreign governments including those of France, the United States, Gambia and Guinea Bissau have since 2000 facilitated the resolution of the conflict through mediation and also military support to the government: the Catholic Church was also actively involved in supporting the peace process between 1992 and 2000. Since his election as Senegalese president in 2000, Abdoulaye Wade has tried to negotiate with the armed elements of the MFDC, sidelining to some extent the political wing, and the peace process has made significant progress.

“In 2004, the government and the MFDC signed an agreement which provided for the MFDC to give up armed struggle and the use of violence and for the government to give fighters an amnesty, provide for the reintegration of former combatants and support demining and reconstruction programmes in Casamance. However, a faction of the Southern Front of the MFDC rejected the agreement, and occasional armed skirmishes, violent attacks and political killings continued.” [8] (p3)

- 3.16 The USAID Report 2009 provided further analysis of the obstacles to peace within the government, MFDC and civil society. [6a] To access this report, refer to the link [here](#).

For further information on the MFDC and peace negotiations refer to the The United States Agency International Development (USAID) *IPS Final Report*, dated 21 September 2009, accessed [here](#) [6b] and USAID *Final Report Support to the Casamance Peace Process*, December 2009, [here](#) [6a]

### Renewed conflict in 2009

- 3.17 The Freedom House report, *Freedom in the World 2010*, Senegal, covering events in 2009, released 3 May 2010, noted that:

“The separatist conflict in the Casamance region remained unresolved in 2009. The peace process had wavered since the 2007 death of Augustine Diamacoune Senghor, head of the separatist Movement of the Democratic Forces of Casamance (MFDC), which left the group’s leadership in disarray. While the region was quiet during the first half of 2009, sporadic violence started up again in May [2009] when separatists attacked a military convoy near the border with The Gambia. By September [2009], regular clashes between the rebels and the army had resumed, including military air strikes against MFDC bases.” [5]

- 3.18 Similarly the USAID Report 2009 observed that:

“Until recently, the cease-fire has been honored by both parties; however the general security situation in the Casamance region remains unstable, toggling between periods of calm and instability fuelled by increasing banditry often thought to be committed by MFDC combatants looking for means for survival. As a result, travel by road to Senegal is at times considered risky. In addition, the potential for drug trafficking has increased across the Guinea-Bissau and Senegalese border, which continues to present an additional security threat to the region.” [6] (p1)

See also Security Situation - [Casamance](#) for further information on MFDC and government conflict in the Casamance region.

For further information on the MDFC see the [Chatham House paper, Senegal: Mouvement des Forces Democratiques de la Casamance \(MFDC\)](#), dated December 2004. However due consideration should be given to the relative age of this source.

See also the USAID *IPS Final Report*, dated 21 September 2009 which can be accessed [here](#). For more information about the consequences for security and human rights violations as a result of the conflict see [Security situation](#) and [Security forces below](#).

[Return to contents](#)  
[Go to sources](#)

#### 4. RECENT DEVELOPMENTS (2009 TO SEPTEMBER 2010)

##### Casamance conflict: 2009 - present

4.01 The USAID, *IPS Final Report 2009*, dated 21 September 2009, noted that "President Wade responded to this resumption of violence [in 2009] by stating that he would seek a definitive solution to the conflict. Lansana Goudiaby, appointed by Kasolole faction [of the MDFC] leader César Badiate... also indicated his objective of seeking negotiations with the GoS [Government of Senegal], but it is unclear if he speaks for the other MFDC factions." [6a] (p2)

4.02 An article published by AFP Global Edition entitled *Rebels ready for talks on Senegal's Casamance*, dated 27 April 2010, reported that " ... Cesar Atoute Badiate, the leader of a faction of the separatist Casamance Movement of Democratic Forces (MFDC), told a private Senegalese radio station that he backed 'the idea of negotiations for a definitive peace in Casamance'." The article continued: "Senegal's Prime Minister Souleymane Ndene Ndiaye had recently urged the rebels to resume peace talks, after an upsurge in violence between the army and the insurgents. Ndiaye said he was responding to a call for talks by Badiate. ..." [9a]

4.03 The USAID, *IPS Final Report 2009*, provided an analysis of the MFDC and public perceptions towards the separatist group. As noted:

"Over the years the maquis [guerrilla force] have become more and more isolated from the population on whose behalf they fight. In an anachronistic fashion, they cling to the assumption that the population is still behind them, proud of their sacrifice. In fact, the Casamançais are disillusioned with the struggle, tired of insecurity, and interested in development not independence. Recent surveys of the Casamançais population demonstrate that nearly all have developed a strong Senegalese national identity. They believe that the Casamance should remain a part of Senegal, but would like to see the GOS make the socioeconomic development of the area a higher priority." [6b] (p78)

4.04 The same source also commented:

"The MFDC has a complex relationship with the state, which funnels its funds to various MFDC factions, seemingly to divide and rule, maintain the status quo, or perhaps to deliberately sow seeds of contention, pushing the movement towards self-destruction. Some of these funds are sent publicly 'to support the peace process,' and others wend their way through back channels. The state has ignored recent requests for negotiations, perhaps to avoid political concessions and/or fuel for countrywide interest in decentralization. ... The MFDC is not affiliated with any international revolutionary

16 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



movements. Their life in the maquis leaves them quite out of touch with their families, with changing conditions in the Casamance, and with the world at large.”[6b] (p78-79)

[Return to contents](#)  
[Go to sources](#)

## 5. CONSTITUTION

- 5.01 Encyclopaedia Britannica, *Government and Society: Senegal*, undated, accessed on 6 September 2010 noted that: “The first constitution of Senegal was promulgated in 1963 and revised through March 1998. A new constitution, approved by voters in January 2001, proclaims fundamental human rights; respect for individual and collective property rights; political, trade-union, and religious freedoms; and a democratic and secular state.” [11]

See also Constitutionnet, *Country Profiles: Senegal*,  
<http://www.constitutionnet.org/en/country/senegal>

Kituo Cha Katiba, Eastern Africa Centre For Constitutional Development  
*Constitution of the republic of Senegal*, updated 7 January 2001  
<http://www.kituoachakatiba.co.ug/Constitution%20of%20SENEGAL.pdf>

[Return to contents](#)  
[Go to sources](#)

## 6. POLITICAL SYSTEM

- 6.01 Jane's *Sentinel Country Risk Assessment Senegal*, (JSCRA Senegal) last updated 10 May 2010, gave the following overview of Senegal's political system:

“TYPE OF GOVERNMENT  
 Presidential multiparty republic

“HEAD OF STATE  
 President Abdoulaye Wade

“HEAD OF GOVERNMENT  
 Prime Minister Souleymane Ndéné Ndiaye

“RULING PARTY  
 Senegalese Democratic Party (Parti Démocratique Sénégalais: PDS)

“OPPOSITION  
 Benno Siggil Senegal (BSS) coalition

“NEXT ELECTIONS  
 2012 - legislative and presidential

“The country is a republic and has had a multiparty democratic system since 1981. Prior to that, it was a single-party state for a decade and then briefly experimented with a tri-party system from 1975. The constitution adopted on 7 March 1963 confirmed the parliamentary system adopted the previous year but an amendment approved on 22 February 1970 changed the regime to a presidential system and made provision for the

office of prime minister. This post was suspended in 1983 but later restored in 1991. There has been further constitutional revision under President Wade, especially since he gained large legislative majorities in 2001 and 2007.” [12a] (Internal Affairs)

- 6.02 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010, noted that “A new constitution was approved in 2001, reducing presidential terms from seven to five years, setting the maximum number of terms at two...” [5]
- 6.03 JSCRA, Senegal further noted that: “The 2001 constitution also abolished the Senate, (the upper house of parliament) and the Economic and Social Council, reduced the number of deputies from 140 to 120, and confirmed the role of prime minister as head of government, as well as giving women the right to own land for the first time in the country's history.” [12a]
- 6.04 The Freedom House, *Freedom in the World 2010 report, Senegal*, covering events in 2009, released 3 May 2010, noted that:
- “... in a move approved by the National Assembly in 2006, ... [Abdoulaye Wade] amended the constitution to postpone legislative elections by a year and reestablish the Senate, where more than half of the members would be appointed by the president. The National Assembly also approved his 2008 measure to restore the seven-year presidential term beginning in 2012, and his 2009 decision to create the unelected position of vice president, believed to be intended for Wade's son, which will be filled for the first time in 2012.” [5]

For information about political rights and freedom of expression see [Political affiliation](#) and [Freedom of speech and media](#)

[Return to contents](#)  
[Go to sources](#)

## Human Rights

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### 7. INTRODUCTION

7.01 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that:

“The government generally respected citizens' rights; however, there were problems in the following areas: inhuman and degrading treatment of detainees and prisoners; overcrowded prisons; questionable investigative detention and long pretrial detention; corruption and impunity; limits on freedoms of speech, press, and assembly; domestic violence, rape, sexual harassment of women, and discrimination against women; female genital mutilation (FGM); child abuse; child marriage; infanticide; trafficking in persons; and child labor.” [3c]

7.02 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events of 2009, released 3 May 2010, designated Senegal as “Partly Free”, and listed its political rights rating as 3 out of 7 and civil liberties rating also as 3 out of 7 (with “... a rating of 1 indicat[ing] the highest degree of freedom and 7 the least amount of freedom.”) [5] For further information refer to <http://www.freedomhouse.org/template.cfm?page=277>

[Return to contents](#)  
[Go to sources](#)

### 8. SECURITY SITUATION

The following information should be considered in conjunction with material found under Background Information and relevant subsections, including History - [The Casamance Movement: 1947 – 2009](#) and Recent developments – [Casamance conflict: 2009 – present](#).

#### CASAMANCE

- 8.01 In considering the scale of the Casamance conflict the USAID *IPS Final Report 2009* observed that “[i]n nearly 20 years of fighting ... the MFDC has not successfully ‘liberated’ a single village or held any sizeable piece of territory other than their camps deep in the forests. Nevertheless, 2,000-2,500 armed combatants remain in camps scattered throughout the region, creating ongoing insecurity.” [6b] (p76)
- 8.02 The same source also commented on the current levels of recruitment by the MFDC and noted: “There does not appear to be active recruitment into the MFDC at this time, though disenfranchised youth still join.” [6b] (p78)
- 8.03 United States Agency International Development, *Final Report Support to the Casamance Peace Process*, December 2009 (USAID Report 2009), noted the following trends in violence in 2009:

“The first signs of new trouble emerged in May 2009, when the MFDC fired on a group of military vehicles, resulting in minor injuries but no fatalities. A MFDC military

commander was killed by dissident elements in June [2009], and MFDC elements challenged military patrols but did not draw fire. On August 21 [2009], fighting occurred between MFDC element and the Senegalese army on the outskirts of Ziguinchor, causing a great deal of panic within the city, which has not seen this kind of fighting in more than a decade. More than 600 civilians fled the neighborhood of Diabir, most of whom returned in the following days. In September and October of 2009 there were more attacks. A younger, more radical leadership is challenging the older generation, which it sees as corrupted by funds from the GoS, to either resume hostilities or negotiate a settlement. In this sense, a rebellion has emerged within the rebellion.” [6a]

- 8.04 Internal displacement monitoring centre report entitled *New displacement and challenges to durable solutions in Casamance, Senegal*, dated 8 June 2010, stated that:

“Following reported divisions within the MFDC and a ‘lack of vision and coherent policy on the part of the Senegalese government’ violence increased during 2009 and the beginning of 2010. Plagued by factionalism and a lack of political strategy, the MFDC has failed to unite the people of Casamance behind it and it has moved from attacks on military targets to forms of violence which have an impact on civilians. Political instability in Guinea Bissau, following the assassination of the country’s president in March 2009, has also contributed to the worsening of the situation in Casamance.” [8]

- 8.05 The USAID *IPS Final Report*, dated 21 September 2009, noted: “While violence had been sporadic in recent years, there has been a marked increase in the last few months [mid-2009], reportedly due to the activities of younger combatants who, impatient with the status quo, are threatening mutiny and a return to hostilities with the Senegalese army. Recent incidents have included higher levels of banditry, attacks on Senegalese army convoys, and the assassination of an MFDC officer.” [6b] (p76)

See also [Abuses by non-Government Armed Forces](#)

- 8.06 An article published by AFP Global Edition entitled *Senegalese soldier killed in attack on separatist rebels*, dated 21 March 2010, reported that a Senegalese soldier had been killed and five others wounded in an attack by separatist rebels in the southern Casamance province. The same source further reported that the previous week two government soldiers had been killed during clashes with the MFDC following an attempt by the Senegalese army to clear MFDC bases in the region south of the Ziguinchor, the main city in the Casamance region. The report concluded that “[i]n the last six months, clashes have increased between the army and rebels, leading to both military and civilian deaths.” [9b]

### Casamance landmine casualties

- 8.07 Internal displacement monitoring centre report entitled *New displacement and challenges to durable solutions in Casamance*, dated 18 June 2010, stated that:

“Much of Casamance is contaminated by landmines and other explosive remnants of war (ERW). The districts of Diattacounda, Niaguis, and Nyassia, close to the border with Guinea-Bissau, have been identified as the most contaminated. In 2008, Landmine Monitor identified at least 24 mine incidents while casualties continued to be reported in 2009. As of July 2009, the Senegalese National Mine Action Centre (Centre National d’Action Antimines du Sénégal, or CNAMS) had identified a total of 702 reported

20 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

casualties of mines or other ERW (152 killed and 550 injured) for the period from 1988 to 2009. The majority of them were civilians. The total number of mine/ ERW survivors, including those not reported, remains unknown.” [24]

For further information see [Landmine Monitor Report, Senegal, 2009](#)

For information on human rights abuses committed by the MDFC see [Abuses by Non-Government armed forces](#)

For information on human rights abuses against MDFC members refer to [Treatment of MFDC by the security forces](#) below

For further information on civilian displacement in Casamance refer to [Internally Displaced Persons](#)

### Treatment of MFDC members by the security forces

- 8.08 The Amnesty International Report *Senegal: Land of Impunity*, dated September 2010, noted with regard to the Casamance conflict:

“The amnesty promulgated by President Wade [in 2004] also denied any right to reparation for the hundreds of Casamance civilians who were victims of torture, disappearances and long-term arbitrary detention without trial. Throughout the 1990s, the Senegalese security forces systematically used torture to extract ‘confessions’ from men and women who were often arbitrarily arrested because they belonged to the Diola community (a Casamance ethnic group). During the four Amnesty International missions to Casamance between 1997 and 2003, the organization documented several methods of torture regularly used by the Senegalese security forces on people detained in police custody, which can legally be for eight days.” [10b] (p10)

- 8.09 The same source provided individual accounts of human rights violations committed by the security forces against persons linked to the MDFC in the 1990s. For further information refer to the report via the link [here](#).
- 8.10 The USSD Report 2009 also reported that the authorities had “not taken any action to resolve older cases of disappearance, particularly in the Casamance, linked to government security forces.” [3c] (Section 1b, Disappearance)

[Return to contents](#)  
[Go to sources](#)

## 9. SECURITY FORCES

### POLICE

- 9.01 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: “Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The police force includes 10 departments, which constitute the Directorate General of National Safety. In each of the country’s 14 regions, there is at least one police station and at least one mobile safety brigade. Dakar has 16 police stations. The police force effectively maintained law and order.” [3c] (Section 1d, Role of the Police and Security Apparatus)

9.02 JSCRA Senegal noted that:

“The Senegalese police force comprises 4,700 men, and is sub-divided into four units:

- Urban Force (Corps Urbain),
- Judicial Police (Police Judiciaire),
- State Security Force (Sûreté de l'Etat),
- Mobile Intervention Force (Groupement Mobile d'Intervention: GMI). The GMI is a paramilitary force modelled on the French Republican Security Companies (Compagnies Républicaines de Sécurité: CRS). It is active in urban policing and engages in surveillance operations (but not in offensives) in Casamance. It is equipped with anti-riot weaponry, light-armoured vehicles and automatic weapons.

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“Decentralisation of the police force led to the creation of unarmed municipal police forces in the main cities, which facilitated the re-integration of policemen fired after the massive strike of 1987.” [12b]

## ARMED FORCES

9.03 JSCRA Senegal stated the following on the Senegalese Armed Forces:

“The Senegalese Armed Forces (*Forces Armées Sénégalaises - FAS*) are generally well-trained and disciplined, with a total of approximately 10,500 personnel in the army, air force and navy. Although lightly equipped and relatively small, they retain a reputation for a degree of professionalism that is rare in West Africa. Since the early 1990s, up to half of these forces have been stationed in Lower Casamance on internal and border security duties. At least another 15 to 20 per cent of troops are typically on duty with African peace support operations, leaving few troops available for traditional external security functions.” [12c]

## HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Information on the treatment of specific groups by the security forces can be found in the relevant chapters of this report.

For further general information see:

The UN Human Rights Council (HRC)  
Report of the Working Group on Arbitrary Detention on Senegal, dated 23 March 2010,  
[http://ap.ohchr.org/documents/dpage\\_e.aspx?m=117](http://ap.ohchr.org/documents/dpage_e.aspx?m=117)

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

Amnesty International Report, *Land of Impunity*, September 2010  
<http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/afr490012010en.pdf>

## Arbitrary arrest and detention

22 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

- 9.04 The USSD Report 2009 noted that: "The constitution and law prohibit arbitrary arrest and detention; however, authorities at times arbitrarily arrested and detained persons. Human rights groups described arbitrary detention as a growing problem." [3c] (Section 1d, *Arbitrary Arrest or Detention*)
- 9.05 On the subject of illegal detentions the UN Human Rights Council (UNHRC), *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, remarked:
- "During its visit to Saint-Louis [detention centre], the Working Group received allegations of the detention of taxi drivers with licences to work issued in another town. These drivers were picking up passengers in the town that had granted them work permits, to take them to Saint-Louis. The drivers of Saint-Louis reported their presence to the Police, leading to their detention, which could last, illegally, up to eight days. They were then released without charge. The police are therefore getting involved in conflicts between taxi drivers' associations. These detentions are entirely arbitrary given that they have no legal basis." [13a] (p15)
- 9.06 The same source further raised concerns about the practice of 'return by prosecution'. According to the report, the Working Group had been told "repeatedly" about the occurrence of this practice, in which the Public Prosecutor would send back a detainee to the police station, sometimes several times in succession, pending a prosecutor's decision. Consequently a person would spend a period in police detention beyond that which was legally permitted. As noted: "The Working Group was informed that this practice is used by the judge responsible for the case, in order to gain enough time to study the case before the preliminary hearing or the hearing at the court dealing with *flagrante delicto* cases. It is also used to allow for an out-of-court settlement between the defendant and the victim or to establish the agreement of the parties to criminal mediation." [13a] (p13)
- 9.07 In its list of recommendations the Working Group recommended the Senegalese government to "consider the possibility of establishing *habeas corpus* as a means of combating arbitrary detentions." [13a] (p16)
- 9.08 Amnesty International in their report *Senegal: Land of Impunity*, dated September 2010, similarly recommended the Senegalese authorities end arbitrary detentions and "[c]harge individuals detained for recognized criminal offences or release them. All detainees must have access to a lawyer and doctor of their choice and be able to contact their families. They must also be promptly brought before independent judicial authorities capable of judging the legality of their detention" [10b] (p32)

See also: [Fair trial](#)

## Torture and mistreatment

- 9.09 The USSD Report 2009 observed that:
- "Human rights groups noted examples of physical abuse committed by security forces, including cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip-search and other interrogation methods. Police 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." [3c] (Section 1c, *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*)

9.10 The same report further noted:

“On May 17, the media reported that a citizen of Guinea-Bissau, Julilson Niniken Vaz, died while in custody at the office of the gendarmes in Mbour. Although security forces allegedly claimed that he died following severe stomach pains, other prisoners arrested at the same time as Vaz reported that the latter had been tortured to death by the gendarmes. The family supported these allegations based on injuries to Vaz’s head. There were no further developments at year’s end [2009].” [3c] (Section 1c, Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

9.11 The report of the UN Human Rights Council (UNHRC) *Working Group on the Universal Periodic Review*, dated 5 October 2009, included the views of the Senegalese delegation involved in the review process. It was noted that with regard to torture in places of detention, the delegation recognised “the existence of such cases”, but went on to explain that such cases were “systematically investigated”. [13b]

For further information on this see [Avenues of complaint and measures to tackle human rights violations](#)

9.12 Amnesty International Report 2010, *State of the World’s Human Rights*, covering events of 2009 (AI Report 2010) published 28 May 2010, noted that:

“Confessions extracted under torture were used to convict people after unfair trials. ...In January [2009], more than 20 students and young people detained after riots in the gold-mining town of Kedougou, about 700km south-east of Dakar, were reportedly tortured in order to extract confessions and incriminate others. Some of the detainees were given electric shocks. Others were beaten, kicked and punched while naked. Although several detainees told the court during their trial that they had been tortured, the judges and the prosecutor did not order an inquiry into the allegations. Nineteen defendants were sentenced to prison terms on the basis of their ‘confessions’. They were pardoned in March by President Wade.” [10a] (p279)

See also [Fair trial](#)

The following links provide useful information on the above topic:

US State Department Country Report on Human Rights Practices 2009 (USSD Report 2009), Senegal, published on 11 March 2010,  
<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

Amnesty International Report 2010, *State of the World’s Human Rights*, covering events of 2009, published 28 May 2010  
[http://thereport.amnesty.org/sites/default/files/AIR2010\\_AZ\\_EN.pdf#page=225](http://thereport.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=225)

Amnesty International Report, Land of Impunity, September 2010  
<http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/af490012010en.pdf>

[Return to contents](#)  
[Go to sources](#)

24 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



## Extra-judicial killings

9.13 The USSD Report 2009 noted that “neither the government nor its agents committed any politically motivated killings”. However the same source stated that “unlike previous years, there was a report of an arbitrary killing by the security forces [in 2009]”. As noted:

“On August 11 [2009], gendarme Gora Diop shot and killed Sangone Mbaye in the city of Joal after stopping Mbaye’s car and demanding a 1000 CFA (\$2.20) bribe. When Mbaye refused, an argument ensued, and the gendarme shot Mbaye, who died after receiving no emergency care. On August 23, the minister of defense announced that the gendarme would face justice, and Diop was put in pretrial detention, where he remained at year’s end [2009].” [3c] (Section 1a, Arbitrary or Unlawful Deprivation of Life)

9.14 The US Embassy of Dakar also reported on 6 July 2010 that:

“According to L’Observateur, Sud Quotidien, L’As, Walf’Grand-Place, Walfadjri, Le Populaire, Le Matin, and Le Soleil, on July 5 [2010], Senegalese coast guards shot and killed a young Senegalese fisherman, after his wooden boat entered a protected no-fishing zone under their authority. Angry fishermen are at the root of the demonstration on the Corniche, expressing their anger after the death of their colleague. Minister of Maritime Economy Djibo Leity Ka announced that an investigation is underway and that sanctions will be taken.” [3f]

9.15 The Amnesty International report *Senegal: Land of Impunity*, dated September 2010, provided information about a number of cases in which individuals had died in police custody. The cases were dated between April 2007 and November 2009. [10b] For further information refer to the source via the link [here](#).

9.16 The USSD Report 2009 also highlighted two cases in which persons had died in police custody in 2009. According to the source, in both cases the authorities claimed they died of natural causes. [3c] The same source further remarked that “[Senegalese h]uman rights organisations [in 2009] highlighted the lack of supervision and impunity with which the security forces treated persons in police detention.” [3c] (Section 1c, Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

## AVENUES OF COMPLAINT AND MEASURES TO TACKLE HUMAN RIGHTS VIOLATIONS

9.17 The following information should be considered in conjunction with material found under [Human rights institutions, Organisations and Activists](#).

### Training and development in the police

9.18 The USSD Report 2009 noted that “[a]ccording to human rights groups, new members of the police forced received training in human rights protection.” [3c] (Section 1d, d. Arbitrary Arrest or Detention)

### Impunity and prosecution of security force personnel

9.19 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that:

“Citizens may 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 in the Office of the President. However, corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems in enforcing court orders, since the government can ignore court orders without legal consequences.” [3c] (Section 1e, Civil Judicial Procedures and Remedies)

- 9.20 The UNHRC *Working Group on the Universal Periodic Review*, dated 5 October 2009, in considering the views of the Senegalese delegation, noted:

“With regard to torture in places of detention, the delegation recognized the existence of such cases, which are systematically investigated; where appropriate, the investigations have led to convictions in addition to disciplinary sanctions. In that connection, in 2001, the office of sentence enforcement judge was created and, once the Senate has adopted the relevant legislation, the National Observatory of Places of Detention will be set up. Its reports will be public. In Senegal, torture is prohibited and, if there is conclusive evidence that torture has been committed, an action is brought.” [13b] (p11)

- 9.21 However the Observatory for the Protection of Human Rights Defenders, Annual Report 2010, entitled *Steadfast in Protest*, dated 13 September 2010, noted that a particularly ‘grey area’ for Senegal was “the recurrence of torture, a structural practice during custody, particularly at the level of police stations and gendarmerie brigades, and the impunity that continued to surround violations of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. [UNCAT]” [28a] (p86)

For further information on the UNCAT, the Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) and the National Observatory of Places of Detention, refer to Human rights institutions, organisations and activists – [legal framework](#).

- 9.22 The Amnesty International report entitled *Senegal Land of Impunity*, (AI Report *Land of Impunity*) published September 2010, noted that:

“...the authorities have consistently ensured impunity for members of the security forces responsible for human rights ...violations. They have often refused to investigate into these cases. Sometimes, however, often under pressure from lawyers, the press or human rights non-governmental organizations (NGOs), the authorities have finally agreed to investigate serious allegations of torture that led to the death of common law detainees. However, to Amnesty International’s knowledge, hardly any of these investigations have brought the alleged perpetrators of these acts to justice or set sentences proportional to the gravity of their acts. The police force and gendarmerie have claimed that some deaths in custody were ‘suicides’, despite overwhelming evidence of torture and other ill-treatment. Other investigations have never been completed, thus depriving the families of access to justice and redress.” [10b] (p6)

- 9.23 The USSD Report 2009 observed that the Criminal Investigations Department (DIC) was responsible for investigating police abuses, but further noted that “impunity and corruption were pervasive problems.” An amnesty law covers police and security personnel involved in “political crimes, except those who committed assassinations in

26 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

cold blood.” The same source also noted that “[t]he government used security forces, especially the DIC, to harass journalists and arrest political opponents and civil society leaders.” [3c] (Section 1d, Arbitrary arrest and detention)

For information about remedy through the justice system see [Judiciary](#). See also [Treatment of journalists](#) and [Opposition groups and political activists](#).

For further information on this subject see:

Amnesty International report entitled *Senegal Land of Impunity*, published September 2010 <http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/afr490012010en.pdf>

See also [Extra-judicial killings](#) for information on specific cases in which arbitrary killings by the security forces have been investigated by the authorities.

[Return to contents](#)  
[Go to sources](#)

## 10. MILITARY SERVICE

10.01 The following link provides useful information on the above topic:

Child Soldiers Global Report 2008 <http://www.child-soldiers.org/regions/country?id=188>

War Resisters' International: *Senegal, conscription*, last updated 5 August 1998  
[http://www.wri-irg.org/programmes/world\\_survey/reports/Senegal](http://www.wri-irg.org/programmes/world_survey/reports/Senegal)

Central Intelligence Agency (CIA), *Country profile, Senegal, updated 29 September 2010* <https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html>

[Return to contents](#)  
[Go to sources](#)

## 11. ABUSES BY NON-GOVERNMENT ARMED FORCES

11.01 Amnesty International Report 2009, *State of the World's Human Rights*, covering events of 2008 (AI Report 2009) published May 2009, noted that:

“Self-proclaimed members of the MFDC [Mouvement des Forces Démocratiques de Casamance] attacked and abducted civilians in Casamance, apparently to punish them for entering land they considered as their territory. The MFDC denied any involvement in these attacks. ... In May, 16 [2008] villagers harvesting cashew nuts in Tampe, 15km east of Ziguinchor, Casamance's main city, were attacked by self-proclaimed MFDC members who tied their hands and sliced off their left ears.” [10c]

- 11.02 The USSD Report 2009 noted that “during the year MFDC rebels reportedly attacked civilians and committed highway robberies in the Casamance.” [3c] (Section 1a, a. Arbitrary or Unlawful Deprivation of Life)
- 11.03 On the subject of recruitment by the MFDC, the USAID *IPS Final Report*, dated 21 September 2009, noted: “Recruitment has been mostly voluntary, with perhaps some use of persuasion but no reports of forced abductions.” [6b] (p77) However the same source also observed: “once in the maquis [MFDC], it is hard to leave. Maquisards take a mystical oath, which can only be undone by the same priestess who performed the initial rite. Unfortunately, most of priestesses who officiated years ago are either dead or difficult to find. Many maquisards strongly believe that unauthorized departure can result in illness and a particularly painful death, and this in of itself becomes a motive for remaining a combatant.” [6b] (77-78)

See also the [Amnesty International Report, Senegal: Land of Impunity](#), dated September 2010 for further information on human rights abuses committed by the MDFC during the Casamance conflict.

For further information on the background to the Casamance conflict refer to [History](#), also see [Recent developments](#) for information on the peace negotiations and recent public perception towards the MDFC and Security situation – [Casamance](#)

The following link provides further information on the above topic:

USAID, IPS Final Report, 21 September 2009  
[http://pdf.usaid.gov/pdf\\_docs/PNADS841.pdf](http://pdf.usaid.gov/pdf_docs/PNADS841.pdf)

[Return to contents](#)  
[Go to sources](#)

## 12. JUDICIARY

### OVERVIEW

- 12.01 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, noted the following conclusions with regard to the judiciary in Senegal:

“The Working Group noted that Senegal has a solid legal system, maintained by authorities interested in the preservation and development of the rule of law and monitored by an organized and vigorous civil society. Since its independence, Senegal has made significant advances in the construction of democracy and the development of its legal system. However, the Working Group has received accounts that indicate there has been a slowdown in this development during recent years. The fundamental need to continue to advance in the protection of human rights and fundamental freedoms should not be disregarded in the face of new priorities in the sphere of economic and social development.

“During its visit to Senegal, the Working Group identified some practices that could act as a model for other countries. On this point, mention could be made of the professionalism and the sound training of jurists, judges and lawyers ... However, the country has to confront a series of challenges, such as the shortage of criminal lawyers; the excessive proportion of detainees in pretrial detention; the long duration of pretrial

28 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

detention in the majority of cases; the administrative detention of foreigners in police station cells after having served their sentence; the possible application of article 80 of the Criminal Code to journalists ...” [13a] (p15-16)

## ORGANISATION

- 12.02 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, observed:

“The judicial system is organized as a pyramid structure with the courts of first instance at the base, the courts of second instance (courts of appeal, courts of assize, regional courts and departmental courts) in the middle and the Supreme Court at the top. In addition, there are specialized courts: labour courts, juvenile courts and courts of military justice. The High Court of Justice has the authority to try the President of the Republic for high treason and ministers in cases of treasonable conspiracy.

“The Minister for Justice is the most senior official in charge of all sectors of the judicial system. This includes areas such as planning, recruiting judges, managing staff and material resources, supervising court officials and overseeing the general inspectorates of the justice system. He is also directly involved in monitoring discipline within the judiciary.” [13a] (p5)

- 12.03 The same report further noted that: “There are 11 regional courts and 32 departmental courts. Each court has criminal divisions that try criminal cases. There are four criminal divisions in Dakar, each composed of three judges. There is also a division for on-the-spot proceedings.” [13a] (p 8)
- 12.04 The same source also noted the creation of new courts of Appeal in Saint-Louis, Ziguinchor and Thies, “... and the holding, by each court, of three assizes per year.” [13a] (p11)

The following link provides further information on the above topic:  
US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Senegal, published on 11 March 2010,  
<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

## INDEPENDENCE

- 12.05 The Freedom House, *Freedom in the World 2010 report, Senegal*, covering events in 2009, released 3 May 2010 noted that: “The judiciary is independent by law, but poor pay and lack of tenure expose judges to external influences and prevent the courts from providing a proper check on the other branches of government. ...” [5] Similarly, the USSD Report 2009 observed that “although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence.” [3c] (Section 1e, Denial of Fair public Trial)
- 12.06 The UNHRC *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, provided the views of the Senegalese delegation on the judiciary of Senegal and noted: “The independence of the judiciary is also respected. The composition of the Judicial Council is under discussion and, at present, only the President and the Minister of Justice are not judges. Thus, even when the Minister of

Justice wants to have a judge transferred by a decision of the Judicial Council, it is the judges who take the decision because they make up the majority.” [13b] (p11)

- 12.07 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, noted:

“In order to guarantee the independence of the judiciary, Senegalese law distinguishes between prosecuting judges and trial judges. Trial judges apply the law and pass judgement. They can be neither dismissed nor moved against their will. Prosecuting judges, for their part, are far fewer in number than the trial judges and are the defenders of public order. Trial judges are under the direction and supervision of their hierarchical superior, under the overall authority of the Minister of Justice. A prosecuting judge’s career, on the other hand, is basically the responsibility of the Higher Council of the Judiciary.” [13a] (p8)

## FAIR TRIAL

- 12.08 The USSD Report 2009 observed with regard to trial procedures: “Defendants are presumed innocent. All defendants have the right to a public trial, to be best in court, to confront witnesses, to present evidence and witnesses, and to have an attorney in felony cases.” [3c] (Section 1e, Trial Procedures)

- 12.09 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, in considering access to fair trial noted:

“The right to a fair trial is guaranteed in the official criminal justice system. One of the main guarantees of a fair trial in the judicial system is the separation of the functions of the prosecution and of the preparation of a case for trial. In other words, it is the investigating judge, an independent judicial authority, who is responsible for all the actions aimed at investigating the facts in a criminal trial. He therefore gathers all of the evidence for the prosecution and the defence; places the defendants in pretrial detention or under judicial supervision; and rules on applications for release on bail. This principle prevents prosecution judges from being involved in the inquiry that leads to establishing the charges. ...

“The right to be tried without undue delay is enshrined in law. Nevertheless, this right is undermined quite frequently by abnormally long delays before cases reach trial. A number of factors explain such long delays: the slow pace of preparation for trial in criminal cases, the excessive caseload of the criminal courts and the insufficient number of investigating judges.” [13a] (p7-8)

See also Security Forces: [Arbitrary arrest and detention](#)

- 12.10 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010, noted that “uncharged detainees are incarcerated without legal counsel far beyond the lengthy periods already permitted by law.” [5]
- 12.11 Amnesty International’s report entitled *Senegal: Land of Impunity*, dated September 2010, also raised concerns over the use of confessions “extracted under torture to sentence the accused to long prison sentences” [10b] (p17) and highlighted that such a practice contravened Article 15 of the Convention against Torture, which had been

ratified by Senegal in 1986. For further information on this, refer to the report via the link [here](#).

The following link provides further useful information on the above topic

US State Department Country Report on Human Rights Practices 2009 (USSD Report 2009), Senegal, published on 11 March 2010,  
<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

Report of the Working Group on Arbitrary Detention on Senegal, dated 23 March 2010,  
[http://ap.ohchr.org/documents/dpage\\_e.aspx?m=117](http://ap.ohchr.org/documents/dpage_e.aspx?m=117)

Amnesty International, Land of impunity report, September 2010  
<http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/afr490012010en.pdf>

### Hissene Habre' Trial

12.12 The AI Report *Land of Impunity*, dated September 2010, stated that:

“Since 1992, Amnesty International has publicly expressed concern ‘that the Senegalese authorities have not made moves to ensure that the former [Chadian] president is brought to justice.’ The organization went on to state that ‘this apparent failure is a violation of its obligations under the United Nations Convention Against Torture.’ ...” [10b] (p22)

The following links provide useful information on Hissene Habre:

Amnesty International: *Senegal: Land of Impunity*, September 2010  
<http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/afr490012010en.pdf>

Human Rights Watch: *Senegal/Chad: Nobel winners, African Activists Seek Progress in Habre Trial*, 21 July 2010  
<http://www.hrw.org/en/news/2010/07/20/senegalchad-nobel-winners-african-activists-look-progress-habr-trial>

Human Rights Watch, *Senegal Government amends constitution to pave way for Hissene Habre Trial*, 23 July 2008.  
<http://www.hrw.org/en/news/2008/07/22/senegal-government-amends-constitution-pave-way-hiss-ne-habr-trial>

[Return to contents](#)  
[Go to sources](#)

## 13. ARREST AND DETENTION – LEGAL RIGHTS

13.01 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, recorded:

“The duration of police custody varies according to the seriousness of the charges. If it is simply a question of verifying identity or obtaining information (arts. 53 and 54 of the Code of Criminal Procedure), the duration shall be of no more than 24 hours. On the other hand, if there is serious and consistent evidence against the person sufficient to justify bringing charges, the maximum period of custody is 48 hours, extendable for a further 48 hours on the authorization of the public prosecutor, his deputy or the investigating judge (art. 55 of the Code of Criminal Procedure). If national security is under threat, the period may go up to 192 hours.

“During the first 24 hours of detention, the suspect does not have the right to contact a lawyer.

“If police custody is extended, the criminal investigation officer is required to inform the person concerned of the charges brought against him or her and of his or her right to appoint a lawyer from among the lawyers who have been admitted to the Bar Association or admitted as a trainee. A person held in custody has the right to a medical examination and any irregularities that arise during custody may render the proceedings invalid.” [13a] (p9)

- 13.02 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: “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 before filing formal charges.” [3c] (Section 1d, Arrest Procedures and Treatment While in Detention)

See also Security forces: - [Arbitrary arrest and detention](#).

The following link provides useful information on the above topic:

US State Department *Country Report on Human Rights Practices 2009* (USSD Report 2009), Senegal, published on 11 March 2010,  
<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

[Return to contents](#)  
[Go to sources](#)

## 14. PRISON CONDITIONS

- 14.01 King’s College London report entitled *Prison Brief for Senegal*, last modified on 17 June 2010, noted that: “[i]n 2007 the number of establishments / institutions was 37. The official capacity of prison system was 2,972 (February 2001) while the occupancy level was 152.0 per cent (December 2000). The total prison population (including pre-trial detainees/remand prisoners) totalled 6,425 (April 2007) with female prisoners at 3.5 per cent (April 2007).” [14]
- 14.02 However the UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, instead noted there to be 38 prison facilities (of which 32 were detention and correctional facilities) and recorded the prison population to be 7,086 (6,692 men, 250 women and 144 minors). [13a] (p11)
- 14.03 The same source also reported:

32 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



“Despite the rise in the national population (from 3 to around 12 million), the capacity of the prisons has not risen since independence. The construction of new prison facilities or the enlargement of existing prisons does not seem to be a priority. The wellbeing of the prison population is, however, as important as education, health, food security or the construction of new infrastructure. The Government informed the Working Group that transfers of detainees are organized on a regular basis with the aim of directing the surpluses noted in Dakar towards prison facilities in the regions.” [13a] (p15)

- 14.04 In identifying some positive aspects to their visit, the Working Group went onto observe that:

“... prison staff were properly trained and treated the prisoners correctly. Despite the economic difficulties, the atmosphere in the detention and correctional facilities and the prisons in general is better than in other countries thanks to the respect and calm that prevail in these institutions. The Working Group found that relations between the prison staff and the prisoners were imbued with mutual respect. ... This finding is corroborated by the fact that there have been no suicides in Senegalese prisons for several years, nor have there been any riots that have disturbed public order.” [13a] (p12)

- 14.05 Whilst on the subject of prison overcrowding the same source also noted, under its concluding comments, that overcrowding was “not excessive compared to other countries and the problem does not apply to Saint-Louis [detention centre].” [13a] (p16)

- 14.06 However the US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, which instead noted:

“Prison and detention center conditions were poor, in part because no prisons have been built since the colonial era. The National Organization for Human Rights (ONDH) identified overcrowding and lack of adequate sanitation as major problems. There were 37 prisons with a designed maximum capacity of 3,000 prisoners. However, officials noted in July [2009] that there were in fact 7,139 prisoners. A UN Study Group on pretrial detention visited the country September 5-7 and found that Dakar’s main prison facility, known as ‘Rebeuss,’ housed 1,592 inmates while its designed capacity was 800 ... Men and women were held in separate facilities. Prison conditions were generally inadequate due to lack of funding. ... Local nongovernmental organizations (NGOs) reported that the rape of female prisoners was a serious issue not addressed by government authorities during the year.” [3c] (Section 1c, Prison and Detention Center Conditions)

- 14.07 The same source also commented that, according to local NGOs, “prisoner separation regulations were not always enforced. Pretrial detainees were occasionally held with convicted prisoners, and juveniles occasionally held with adults.” The report further commented that prisons “lacked doctors and medicine ... and suffered sexual assault.” [3c] (Section 1c, Prison and Detention Center Conditions)

[Return to contents](#)  
[Go to sources](#)

## 15. DEATH PENALTY

- 15.01 As noted in the Hands Off Cain website, undated, accessed on 22 September 2010, "Senegal's government had approved a bill to abolish the death penalty on July 15, 2004." [25]
- 15.02 It was further noted that several of the countries which participated in the UNHRC *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, acknowledged that Senegal had abolished the death penalty. [13b]
- 15.03 However in considering Senegal's ratification of international instruments, the UNHRC *Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010 noted: "Senegal is not party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty." [13a] (p7)

The following link provides useful information on the above topic:

Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Senegal*, 5 October 2009

<http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm> (Please click on report with the following symbol number: A/HRC/11/24\*)

Hands Off Cain, *Senegal*

<http://english.nessunotocchicaino.it/bancadati/schedastato.php?idcontinente=25&nome=senegal>

Amnesty International, *Death sentences and executions 2009*, dated 30 March 2010

<http://www.amnesty.org/en/library/asset/ACT50/001/2010/en/17348b70-3fc7-40b2-a258-af92778c73e5/act500012010en.pdf>

[Return to contents](#)  
[Go to sources](#)

## 16. POLITICAL AFFILIATION

This section should be read in conjunction with information provided in [Human rights institutions, organisations and activists](#), and [Freedom of speech and media](#)

### FREEDOM OF POLITICAL EXPRESSION

- 16.01 The BBC *Country Profile Senegal*, observed that "Senegal has been held up as one of Africa's model democracies. It has an established multi-party system and a tradition of civilian rule." [26b]

For further information on the political history of Senegal, refer to [History](#)

- 16.02 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: "The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right in 2007 presidential and legislative elections as well as the local elections held in March during the year [2009]. For the first time military and paramilitary forces were allowed to vote." [3c] (Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government)
- 16.03 The Freedom House, *Freedom in the World 2010 report, Senegal*, covering events in 2009, released 3 May 2010 reported that "Senegal is an electoral democracy. The

34 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

National Observatory of Elections has performed credibly in overseeing legislative and presidential polls since its creation in 1997.” [5]

- 16.04 However the UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, cautioned that:

“Article 80 of the Criminal Code regarding threats to national security, which lacks some precision in its wording, can be used against human rights activists, supporters of opposition parties and journalists to restrict the exercise of freedom of association, freedom of opinion and freedom of expression, which is a matter of deep concern to the Working Group. However, at the time of the Group’s visit, there was no one in detention under this article of the Criminal Code.” [13a] (p13)

See also [Treatment of Journalists](#)

#### FREEDOM OF ASSOCIATION AND ASSEMBLY

- 16.05 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010 noted that:

“Freedoms of association and assembly are guaranteed. While the number of street protests and demonstrations has been on the rise in recent years, the government has taken action to repress some of them. This occasionally degenerates into violent clashes between protesters and riot police, as with 2008 demonstrations over rising food prices. There were few such incidents in 2009, though police used tear gas to disperse a demonstration protesting the corruption allegations against former PDS [Senegalese Democratic Party] politician Macky Sall.” [5]

- 16.06 The USSD Report 2009 observed that: “During the year the government repeatedly denied public permits for civil society and political opposition demonstrations. Opposition groups complained of undue delays when waiting for a government response to authorization requests.” [3c] (Section 2b, Freedom of Assembly)

- 16.07 The Observatory for the Protection of Human Rights Defenders, Annual Report 2010, entitled *Steadfast in Protest*, dated 13 September 2010, noted:

In 2009, sanctions were also imposed on freedom of peaceful assembly. As an example, on December 23, 2008, the security forces brutally repressed a march organised in Kédougou to protest against the economic situation of the inhabitants of the region, causing the death of Mr. Mamadou Sina Sidibé and injuring several people. On January 9, 2009, the Tambacounda District Court handed down sentences of between five and ten years in prison to 19 demonstrators ....” [28a] (p88)

[Return to contents](#)  
[Go to sources](#)

#### OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 16.08 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010, noted that “[t]here are more than 75 legally registered political parties in Senegal. Major parties include the ruling PDS and the opposition PS.

Many of the smaller parties revolve around individual personalities rather than firm party structures or policy platforms.” [5]

- 16.09 The USSD Report 2009 noted that there were no politically motivated disappearances during the year and further commented that there were “no reports of political prisoners or detainees.” [3c] (Section 1e, Political Prisoners and Detainees) Similarly, the UNHRC *Report of the Working Group on Arbitrary Detention*, dated 23 March 2010, although raising concerns about the potential for human rights violations under Article 80 of the Criminal Code [which addresses threats to national security and could potentially be used against opposition activists], acknowledged that at the time of the Working Group’s visit “there was no one in detention under this article of the Criminal Code.” [13a] (p13)

[Return to contents](#)  
[Go to sources](#)

## 17. FREEDOM OF SPEECH AND MEDIA

This section should be read in conjunction with information provided in [Political affiliation](#) and [Human rights institutions, organisations and activists](#)

- 17.01 Senegal was ranked 89<sup>th</sup> out of 175 countries in the 2009 Reporters without Borders press freedom index dated February 2010 (which ranges from one for the most free to 175 for the least free). [15]
- 17.02 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: “The constitution and law provide for freedom of speech and of the press; however, the government limited these rights in practice, and security forces and politicians intimidated or harassed journalists during the year. Journalists also practiced self-censorship.” [3c] (Section 2, Freedom of Speech and Press)
- 17.03 However the Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010, noted that:
- “Freedom of expression is generally respected, and members of the independent media are often highly critical of the government despite the risk of criminal defamation charges. In 2009, two journalists received three-month jail sentences for defaming a member of parliament, but two others were exonerated and pardoned after being convicted of defaming Wade. There are approximately 20 independent radio stations and many independent print outlets, but the government owns the only national television station, which provides favorable coverage. Access to the internet is not restricted.” [5]
- 17.04 Similarly the Observatory for the Protection of Human Rights Defenders, Annual Report 2010, entitled *Steadfast in Protest*, dated 28 September 2010, in a section entitled ‘Regional analysis Sub-Saharan Africa’ observed that: “In some countries, like Senegal, freedom of the press saw a significant improvement, although the media is still subject to hassling”. [28a] (p9)
- 17.05 The same source further explained in the section on Senegal that within the political context of the 2009 elections:

36 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

“ ... the Senegalese President took some steps towards normalising relations with the press, which was often considered to side with the opposition. In particular, he re-launched consultations on the de-criminalisation of press offences, as the current Press Code, dating from 1996, established a climate of self-censorship by putting pressure on journalists who might denounce corruption or abuses by the authorities with the risk of being sentenced to imprisonment. As an example, following a seminar on access to information organised on December 16 and 17, 2009 by the Panos Institute West Africa in partnership with the Civil Forum (Forum civil), a committee of eleven members was set up to work on a Bill on the Access to Information. A new Press Code was also due to be adopted in 2010. However, these efforts did not prevent new sentences being passed on journalists, and newspapers from being suspended. In addition [sic], at the end of the year the competent authorities refused to attribute a frequency to the Télévision futurs médias (TFM) TV channel although all the administrative conditions had been met, demonstrating how hostile the Government is to the private press, especially to media that are independent of the Government.” [28a] (p85-86)

The following link provides further useful information on the above topic:

US State Department *Country Report on Human Rights Practices 2009*, (USSD Report 2009), 11 March 2010

<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm> [3c] (Section 2, Respect for Civil Liberties, including Freedom of Speech and Press)

Amnesty International Report 2010, *The State of the World's Human Rights*, published 28 May 2010

[http://thereport.amnesty.org/sites/default/files/AIR2010\\_AZ\\_EN.pdf#page=225](http://thereport.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=225)

BBC *Senegal Country Profile*, last updated 11 August 2010

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1064496.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1064496.stm)

## TREATMENT OF JOURNALISTS

- 17.06 The USSD Report 2009 noted that “The government continued to perceive the media as a threat, and during the year journalists were detained for several hours by the DIC [Criminal Investigation Department]. The police often pressured journalists who reported government scandals, waste, or fraud to reveal their sources. The law allows police to arrest and imprison journalists for libel.” [3c] (Section 2, Freedom of Speech and Press)
- 17.07 The UNHRC, *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, observed that: “...in the recent past, several journalists had been placed in detention for criticizing the Government. Some journalists have been prosecuted for defamation or dissemination of false information. The Working Group is particularly concerned about the possible application of article 80 of the Criminal Code to journalists. However, there were no journalists in detention at the time of the Working Group’s visit.” [13a] (p14)
- 17.08 The UNHRC, *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, noted that: “Sweden expressed concern about reports of harassment and intimidations of journalist and mass media outlets. Sweden recommended Senegal take further measures, including legislative action, to ensure full respect for the freedom

of expression and freedom of the press, in accordance with international standards.” [13b] (p8)

- 17.09 The Observatory for the Protection of Human Rights Defenders, Annual Report 2010, entitled *Steadfast in Protest*, dated 28 September 2010, similarly remarked that “... unexpected summons to the Criminal Investigation Division (Division des investigations criminelles – DIC) without any judicial consequences were still used too frequently against journalists and other media personnel who are critical of the Government, especially when they denounce human rights violations.” [28a] (p86-87)

The following link provides further useful information on the above topic:

US State Department *Country Report on Human Rights Practices 2009*, (USSD Report 2009), 11 March 2010

<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

[Return to contents](#)  
[Go to sources](#)

## 18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

This section should be read in conjunction with information provided in [Freedom of speech and media and Political affiliation](#)

### LEGAL FRAMEWORK

- 18.01 The UN Human Rights Council (UNHRC) *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, outlined the following international treaties ratified by Senegal, which under article 98 of the Constitution prevail over national law:

“... In 1998, Senegal was one of the first States to ratify the Rome Statute of the International Criminal Court. It has ratified the International Covenant on Civil and Political Rights (signed 6 July 1970; ratified 13 February 1978); the International Covenant on Economic, Social and Cultural Rights (S-6 July 1970; R-13 February 1978); the Optional Protocol to the International Covenant on Civil and Political Rights (S-6 July 1970; R-13 February 1978); International Convention on the Elimination of All Forms of Racial Discrimination (S-12 July 1968; R- 19 April 1972); the Convention on the Elimination of All Forms of Discrimination against Women (S-29 July 1980; R-February 1985); the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (S-10 October 1999; R-26 May 2000); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (S-4 February 2003; R-18 October 2006); the Convention on the Rights of the Child (S-26 January 1990; R-31 July 1990); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (S-8 September 2000; R-3 March 2004); the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (S-8 September 2000; R-5 November 2003); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (R-9 June 1999).” [13a] (p6)

- 18.02 With regard to the ratification status of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), the UN Treatise

38 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

Collection, accessed on 28 September 2010, clarified that Senegal signed the UNCAT on 4 February 1985 and ratified the Convention on 21 August 1986. [13f] The same source noted that with regard to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (which came into force on 22 June 2006) this was signed by Senegal on 4 February 2003 and ratified on 18 October 2006. It was further noted that there were 57 states currently listed as party to OPCAT. [13g]

- 18.03 A Background note produced by the Association for the Prevention of Torture (APT) for a regional conference, (APT Background note 2010) which took place between 27 and 28 April 2010 in Dakar, Senegal, noted that only six states in Africa had ratified OPCAT, these were Benin, Liberia, Mali, Mauritius, Nigeria and Senegal [since extended to include Burkina Faso, Gabon and Democratic Republic of the Congo (29a) (p2)] and only four of these had “designated their national preventive mechanisms”, these were Mali, Maurice [sic], Nigeria and Senegal. [29a] (p2)
- 18.04 The same source further noted that in Senegal “several civil society organisations ha[d] formed a coalition ... [and had] played an important role in advocating the ratification and implementation of the OPCAT. The collation mobilised forces and reached the adoption of a law setting up a new specialised institution as NPM [National Preventative Mechanism]. [29a] (p2)
- 18.05 On the subject of the National Preventative Mechanism (NPM) to be adopted in Senegal (which is a requisite of the OPCAT), the UNHRC *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, noted that “in 2006 the National Assembly [Senegalese parliament] adopted a bill establishing a new mechanism for the prevention of torture: the National Observatory of Places of Detention.” [13b] (p4) However the APT Background note 2010, clarified that in February 2009, Senegal adopted a law creating a “National Observer of Places of Deprivation of Liberty” as part of its obligation to establish a NPM under the OPCAT. [29a] Another article on the APT website, dated 28 January 2009, further explained that a joint APT/AIS [Amnesty International Senegal] delegation visited Senegal in January 2009 to discuss a draft of the NPM law and “suggested the incorporation of substantial amendments, and submitted a document to this effect to Parliament and the Ministry of Justice with the objective of improving the quality of the draft law.” [29b]
- 18.06 In assessing Senegal’s implementation of the OPCAT, the Amnesty International Report *Senegal: Land of Impunity*, dated September 2010, further explained that:
- “Senegal's delay in implementing the Optional Protocol to the Convention against Torture shows the authority's reticence to effectively combat this phenomenon. This Protocol, which Senegal was the first country in the world to sign in 2002 and which it ratified in 2006, provides for the establishment by State parties of independent mechanisms to prevent torture, within one year of ratification (articles 3 and 17). Four years after ratification of this instrument, Senegal has yet to introduce such provisions. After years of difficult negotiations between the government and the legislature, in March 2009, the Senegalese National Assembly and Senate finally passed a law creating a National Observer for Places of Deprivation of Liberty. However, this law remains unenforced and nobody has been appointed to the position of National Observer.” [10b] (p27-28)

- 18.07 For information on the Constitutional basis which provides human rights protection refer to the [Working Group report on Arbitrary Detention on Senegal](#) and subsection on legal framework.

Further useful information can be found on Amnesty International: *Senegal: Land of Impunity*, September 2010, and subsection Unenforced Legislation  
<http://www.amnesty.org/en/library/asset/AFR49/001/2010/en/6dcdd964-211b-4269-9cab-32b9d6f28a99/afr490012010en.pdf>

#### HUMAN RIGHTS MECHANISMS AND GROUPS

- 18.08 The UN Human Rights Council *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, providing the views of the Senegalese delegation noted:

“Senegal has put in place a number of mechanisms to promote and protect human rights, including ... The Senegalese Human Rights Committee, established in 1970, an independent and financially autonomous institution, which has had ‘A’ accreditation status, granted by the International Coordinating Committee of National Institutions, since 1999; ... The Office of the High Commissioner for Human Rights and the Promotion of Peace, established in 2004, responsible for the promotion and protection of all human rights; [and] ... The Office of the Ombudsman, established in 1991, mandated primarily to mediate between the Administration and citizens, and with the right to act on its own initiative.” [13b] (p3)

- 18.09 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that:

“A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their findings. However, some human rights organizations alleged that their telephones were regularly tapped during the year. ...

“The government’s National Committee on Human Rights (NCHR) includes government representatives, civil society groups, and independent human rights organizations. The NCHR has the authority to investigate abuses; however, it lacked credibility since it was poorly funded, did not meet regularly, did not conduct investigations, and did not release a report during the year.

“According to the NCHR, the government met regularly with civil society and human rights NGOs to discuss topics including discrimination (racial, gender, and religious), migration, and domestic violence. The government was somewhat responsive to inquiries by NGOs and held meetings with them to discuss rights issues such as torture, domestic violence, and the Hissene Habre case.” [3c] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

- 18.10 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, further explained about the mechanisms in place for the protection of human rights, as noted:

“By the Decree of 22 April 1970, the Government of Senegal expressed its commitment to the ideals of the United Nations by creating the Senegalese Human Rights

40 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



Committee. The National Human Rights Organization was also established in Dakar on 7 March 1987 as a non-governmental organization and not as a national human rights institution. Besides the study of legal, political, economic, and cultural issues related to the promotion and protection of human rights, the Senegalese Human Rights Committee seeks to ensure, whenever necessary, the defence of isolated individuals who are the victims of a violation of their rights. In 2004, the Senegalese set up a service reporting to the General Secretariat of the Presidency of the Republic, in accordance with Decree No. 2009-459 of 7 May 2009 concerning the division of State services and supervision of public institutions, national companies and semi-public companies among the Presidency of the Republic, the Office of the Prime Minister and the ministries.” [13a] (p11)

- 18.11 The same source however also recommended that the Senegalese Human Rights Committee publish its last three reports. [13a] (p15)

### HUMAN RIGHTS ACTIVISTS

- 18.12 The UNHRC *Report of the Working Group on Arbitrary Detention*, dated 23 March 2010, cautioned that: “Article 80 of the Criminal Code regarding threats to national security, which lacks some precision in its wording, can be used against human rights activists”, however the same source further observed that “... at the time of the Group’s visit, there was no one in detention under this article of the Criminal Code.” [13a] (p13)
- 18.13 The Observatory for the Protection of Human Rights Defenders, Annual Report 2010, entitled *Steadfast in Protest*, dated 28 September 2010, also remarked that “... human rights defenders now seem to operate in a healthier working environment”. [28a] (p86)

Return to contents  
Go to sources

## 19. CORRUPTION

- 19.01 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: “Impunity and corruption were pervasive 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 victims, security forces regularly extorted money from detainees in exchange for release and from prostituted persons to overlook noncompliance with prostitution regulations.” [3c] (Section 2 d. Arbitrary Arrest or Detention)
- 19.02 In its 2009 Corruption Perceptions Index (CPI), accessed on 30 September 2010, Transparency International ranked Senegal at 99 out of 180 countries, giving it a CPI score of 3 (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt).” [5]

The following link provides further useful information on the above topic:

Transparency International 2009, Corruption Perceptions Index,  
[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009/cpi\\_2009\\_table](http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table)

[Return to contents](#)  
[Go to sources](#)

## 20. FREEDOM OF RELIGION

- 20.01 The US State Department Report on *International Religious Freedom 2009, Senegal*, published on 26 October 2009, (USSD IRF Report 2009) reported that: "The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors." [3b] (Section II. Status of Government Respect for Religious Freedom)
- 20.02 The Freedom House, *Freedom in the World 2010 report, Senegal*, covering events in 2009, released 3 May 2010 also noted that: "Religious freedom is respected, and the government continues to provide free airline tickets to Senegalese Muslims and Christians undertaking pilgrimages overseas." [5]

The following link provides further useful information on the above topic:

US State Department Report on *International Religious Freedom 2009, Senegal*, published on 26 October 2009 (Section II. Status of Government Respect for Religious Freedom) <http://www.state.gov/g/drl/rls/irf/2009/127252.htm>

[Return to contents](#)  
[Go to sources](#)

## 21. ETHNIC GROUPS

### ETHNIC DEMOGRAPHY

The following information should be considered together with information found [Ethnicity, language and religion](#)

- 21.02 Minority Rights Group, *World Directory of Minorities and Indigenous Peoples: Senegal Overview*, undated, accessed on 10 September 2010, noted that:

"The majority ethnic group is the Wolof, comprising nearly 44 per cent of the total population. Although French is the official language, it is generally only spoken by the educated elite. Wolof is the language most widely spoken, even by non-Wolof. Traditionally, Wolof are sedentary farmers, perhaps the descendents of people dispersed after the fall of the Ghana Empire (centred in present-day Mali) in the 11th century. They are concentrated along the coast in the northern part of Senegal. Most are Muslim. ... "The Diola (Jola) are concentrated in the southern, forested Senegalese region of Casamance." [16a]

### ETHNIC TENSIONS BETWEEN THE WOLOFS AND SOUTHERN GROUPS

- 21.02 The US State Department Country Report on Human Rights Practices 2009, Senegal (USSD Report 2009), published on 11 March 2010, noted that: "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

42 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

Casamance rebellion that was characterized by grievous human rights abuses.” [3c] (Section 6, National/Racial/Ethnic Minorities)

For further background information on the Casamance separatist movement led by the MFDC refer to [The Casamance movement: 1947 – 2009](#) which provides background material on the links between the MFDC and the Diola ethnic group. Additionally refer to Recent developments – [Casamance conflict: 2009 – present](#).

For further information on the current security situation in the Casamance region and the conflict between the Senegalese armed forces and the MFDC see Security Situation – [Casamance](#). This section additionally provides information on the arrest of those affiliated to the MFDC and those belonging to the Diola community.

Also see [Abuses by non-Government armed forces](#), for information on human rights violations committed by the MFDC.

The following link provides further useful information on the above topic:

Minority Rights Group, *World Directory of Minorities and Indigenous Peoples: Senegal Overview*, <http://www.minorityrights.org/5511/senegal/senegal-overview.html>

[Return to contents](#)  
[Go to sources](#)

## 22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

- 22.01 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2010*, released May 2010, noted that: “...whoever will have committed an improper or unnatural act with a person of the same sex will be punished by imprisonment of between one and five years and by a fine of 100,000 to 1,500,000 francs. If the act was committed with a person below the age of 21, the maximum penalty will always be applied” [17] (p17)
- 22.02 The US State Department Country Report on *Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, noted that: “Homosexual activity, which is indirectly referred to in the law as ‘unnatural sexual intercourse,’ is a criminal offence. Gay men and lesbians faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.” [3c] (Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)
- 22.03 The UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, noted that: “Belgium expressed concern about the criminalization of homosexuality, as well as the harassment and discrimination of which homosexuals are victim. In this respect, reference was made to the recent arrest of nine persons and their sentencing to eight- year prison terms because of their sexual orientation. Belgium recommended that Senegal decriminalize homosexuality and free all persons imprisoned on the grounds of their sexual orientation.” [13b]

### TREATMENT OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

- 22.04 Amnesty International Report 2010, *State of the World's Human Rights*, covering events of 2009 (AI Report 2010) published 28 May 2010, noted that:

“Men faced harassment, arbitrary arrest, torture and unfair trial because of their suspected engagement in consensual same-sex sexual relationships. ... In January [2009], nine men were sentenced to eight years' imprisonment for 'indecent conduct and unnatural acts and conspiracy' on the basis of confessions extracted by security forces under torture. The men had been arrested following anonymous accusations about their sexual behaviour. They were all released in April after the Dakar Appeal Court overturned the convictions. ... In June [2009], three men and a teenage boy were arrested in the city of Darou Mousty, Louga region, after being anonymously denounced for alleged sexual acts 'against nature'. The teenager was released and the three adults were sentenced in August to prison terms ranging from two to five years' imprisonment. The men lodged an appeal, which had not been heard by the end of the year.” [10a] (p279)

- 22.05 The USSD Report 2009 noted that: “On January 7 [2009], the court sentenced Diadji Diouf, director of AIDES Senegal, an NGO providing HIV prevention services, and seven other men to eight years in prison for committing 'unnatural sex' and acting as a gang of criminals. They appealed the sentences and were released on April 20 [2009] after the court ruled that the evidence against them was inadmissible because the men were arrested in a private location, in violation of the code of criminal procedure.” [3c] (Section 6, *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*)

- 22.06 Pace e Bene, in their article entitled *Senegal: Relief as gay activists are released* dated 23 April 2009 stated that:

“International rights groups have welcomed the release of nine AIDS activists in Senegal, who were sentenced in January for their sexual orientation. On 20 April [2009], an appeals court in the Senegalese capital, Dakar, overturned the convictions of the men, each sentenced to eight years in prison, on charges of 'membership of a criminal organization and engaging in acts against the order of nature'. Most of the defendants were involved in HIV programmes targeting men who have sex with men; they were arrested at the home of a prominent AIDS activist in December 2008.” [19]

- 22.07 The UNHRC *Report of the Working Group on Arbitrary Detention on Senegal*, dated 23 March 2010, observed:

“The Working Group received information according to which officers of the National Police had detained persons on allegations of committing 'unnatural sexual acts'. This was the case of four men arrested in the town of Darou Mousty, in the Louga region, on 19 June 2009. In another case in 2008, the Dakar Court of Appeal had set aside a judgement sentencing nine persons to eight years in prison. ... No one was being detained for reasons of sexual orientation at the time of the Working Group's visit.” [13a] (p14)

The following link provides useful information on the above topic:

International Gay and Lesbian Human Rights Commission, *Senegal: New arrests and convictions for same sex relations; pattern of persecution continues* 20 August 2009  
<http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/962.html>

- 44 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

Rod 2.0: Beta, *Anti Gay Mobs in Senegal Desecrate Graves and Exhume Dead Gays*, 12 April 2010 <http://rodonline.typepad.com/rodonline/senegal/>

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

[Return to contents](#)  
[Go to sources](#)

## 23. DISABILITY

The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

IRIN, *Senegal: Children with disability – when stigma means abandonment*, 11 August 2010 <http://www.irinnews.org/Report.aspx?ReportId=90139>

[Return to contents](#)  
[Go to sources](#)

## 24. WOMEN

### OVERVIEW

24.01 The UN Treaty Database, accessed 14 September 2010, recorded that Senegal is a signatory to the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). [13c]

24.02 The Senegal delegation who participated in the UNHRC *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, noted that:

“To fulfil its international commitments relating to non-discrimination against women, Senegal has been undertaking progressive and irreversible reforms with the aim of steadily improving its legislation. With regard to the protection of women’s physical integrity, Senegal has not only adopted punitive measures, including the criminalization of female genital mutilation, violence against women and human trafficking for the purposes of sexual exploitation, but is also making significant ongoing efforts to raise awareness of these issues. To this end, the National Observatory of Women’s Rights was set up on 15 December 2008. The question of women’s access to land ownership was resolved in article 15 of the Constitution.” [13b] (p4)

### LEGAL RIGHTS

24.03 The Freedom House report, *Freedom in the World 2010, Senegal*, covering events in 2009, released 3 May 2010, also noted that “Women’s constitutional rights are often not honored, especially in rural areas ..., and women enjoy fewer opportunities than men for education and formal employment” [5]

### POLITICAL RIGHTS

The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010. 45

- 24.04 The US State Department's, *Country Report on Human Rights Practices 2009*, Senegal (USSD Report 2009), published on 11 March 2010, noted that "At year's end there were 37 women in the 150-seat National Assembly and four women in the 32-member cabinet. Only 13 percent of locally elected leaders were women. The 100-member Senate included 40 women." [3c] (Section 3, Elections and Political Participation)
- 24.05 United Nations Development Programme (UNDP), *Human Development Report 2009* recorded 1945 as the year women were granted the right to vote in Senegal. [13e]

#### SOCIAL AND ECONOMIC RIGHTS

- 24.06 The USSD Report 2009 noted that:

"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 discriminatory rules of inheritance, were strongest. The law requires a woman's approval of a polygynous union, but once in such a union a woman neither need be notified nor give prior consent if the man takes another wife. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures and judicial reluctance to enforce the law." [3c] (Section 6, Women)

- 24.07 The Freedom House report, *Freedom in the World 2010*, Senegal, covering events in 2009, released 3 May 2010, reported that "... women enjoy fewer opportunities than men for education and formal employment." [5]

#### VIOLENCE AGAINST WOMEN

- 24.08 The USSD Report 2009 noted that:

"Violence against women is against the law, but the law was not enforced. 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 as a reason to issue lenient sentences." [3c] (Section 6, Women)

- 24.09 The USSD Report 2009 also noted that: "Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the NGO CLVF reported a rise in violence against women during the year. ... During the year the NGO Action Aid reported 167 cases of domestic violence on schoolgirls." [3c] (Section 6, Women)
- 24.10 The same report observed that: "Police usually did not intervene in domestic disputes, and most victims were reluctant to go outside the family for redress. There were no

46 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

statistics available on the number of abusers prosecuted under the law.” [3c] (Section 6, Women)

The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

## Rape

24.11 The USSD Report 2009 stated that:

“Rape was a widespread problem. Spousal rape remained difficult to quantify since it was a taboo subject and seldom reported. The law prohibits rape, but not spousal rape; however, the government rarely enforced the law. Penalties against rape range from five to ten years’ imprisonment. A women’s rights NGO criticized the lack of rape shield laws that allows the common practice of using a woman’s sexual history to defend men accused of rape. Prosecutions for rape remained minimal since judges seldom had sufficient proof that rape occurred, especially when rape happened within a family. It was common to settle rape cases out of court to avoid the publicity and costs associated with prosecution. Ministry of Justice statistics estimated that 47 percent of accused rapists go unpunished and released without going to trial. According to a journalists’ NGO, there were 400 documented cases of rape and sexual abuses during the year. However, almost 60 percent of persons committing incest and rape were never brought to justice because of familial ties.” [3c] (Section 6, Women)

## Female genital mutilation

24.12 Global Times website in their report entitled *Senegal reports 28 percent female genital mutilation*, dated 20 July 2010, stated that:

“The national prevalence rate of female genital mutilation (FGM) in Senegal stands at 28 percent. ... According to the report conducted under a plan to end FGM in the West African country, the practice is more prevalent in the southeastern and northern parts. In particular, the practice respectively stands at 94 percent and 93 percent in Kolda in the south and Tambacounda in the east. The report also revealed that FGM is more common in rural areas than in urban areas, with 35 percent of rural women ages 15 to 49 undergoing the practice, compared with 22 percent of their urban counterparts. Although the practice has been banned by law since 1999, it remains common among the Pulaar, Manding, Bambara, Serere and Diola ethnic groups.” [20]

24.13 In an article entitled *Senegal vows to end FGM by 2015*, dated 25 May 2010, from the Orchid Project website, it was noted that:

“On 19th February [2010], the Government of Senegal launched its National Action Plan for the Abandonment of FGM 2010-2015 at a ceremony in Dakar. The Action Plan is a significant landmark in the government’s efforts to achieve the goal of total abandonment of FGM in Senegal by 2015 and builds on the work of a powerful grassroots movement, led by leading community empowerment NGO, Tostan, which has seen thousands of communities abandoning the practice over the last few years.

“The campaign to end FGM in Senegal began in the late 1990s and a variety of approaches have been used to encourage abandonment. The action plan is especially significant because, for the first time the government is advocating a human rights approach – as used by Tostan – as policy. A study by UNICEF showed that this approach had a very high success rate – after ten years, 77% of communities that had said they were abandoning FGM/C had actually done so. Significantly, the launch event came just a couple of days before a massive public declaration of all 256 communities of the Kedougou Region of Senegal of an end to the practices of FGM and child/forced marriage on a regional level.” [21]

The following link provides useful information on the Female Genital Mutilation:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

Centre for Reproductive rights, Female Genital Mutilation (FGM): Legal Prohibitions Worldwide, 12 November 2008  
<http://reproductiverights.org/en/document/female-genital-mutilation-fgm-legal-prohibitions-worldwide>

Afronline, MPs push for Africa wide FGM/C ban,  
<http://www.afronline.org/?p=5091>

## Prostitution

24.14 The USSD Report 2009 noted that:

“Although soliciting customers is illegal, 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. NGOs working with prostitutes claimed that police targeted female 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.” [3c] (Section 6, Women)

The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

## ASSISTANCE AVAILABLE TO WOMEN

24.15 The USSD Report 2009 noted that: “There were no government programs to combat domestic violence. According to the NGO GRAVE, the Ginndi Center had 22 cases (including a case of incest and a case of an 11-year-old girl who was raped and became pregnant). As of November 10 [2009], a total of 10 women died from domestic violence, according to the CLVF local branch in Louga.” [3c] (Section 6, Women)

24.16 The USSD Report 2009 further noted that: “Organizations combating violence criticized the government's failure to permit associations to bring suit on behalf of victims. The

48 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women.” [3c] (Section 6, Women)

- 24.17 The same report noted that: “Local independent NGOs included Tostan, the Committee to Combat Violence against Women and Children (CLVF), ONDH [The National Organization for Human Rights], RADDHO, Terre des Hommes International Federation, and Plan International Senegal. [3c] (Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

The following link provides further useful information on Women in general:

Report of the Working Group on the Universal Periodic Review: Senegal, 5 October 2009 <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm> (Please click on report with the following symbol number: A/HRC/11/24\*) Alternatively, click on the following link.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/80/PDF/G0916280.pdf?OpenElement>

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

[Return to contents](#)  
[Go to sources](#)

## 25. CHILDREN

### OVERVIEW

- 25.01 UNICEF in Senegal: Country Profile page, last updated 26 March 2007, accessed 15 September 2010, summarised the position of children in Senegal: “Young people under the age of 20 account for 58 per cent of Senegal’s total population...” [22b]

- 25.02 UNICEF *Country Profile report 2009 Senegal*, noted that:

“Senegal has made great progress in the field of child rights this past decade. It not only is the first West African country to have established an independent institution with an ombudsperson to promote the rights of the child, but also will hopefully become the first country in Africa to abandon the harmful practice of female genital cutting and the first West Africa country to establish an independent institution with an ombudsperson to promote the rights of the child.

“However, despite much progress, there is still a long road ahead before all obstacles to the full realization of children’s rights are overcome. Senegal’s main cities have a great number of children living and begging on the streets who miss out on their basic rights, such as to primary education or access to health, and are exposed to extreme violence, abuse and exploitation. Even among children living with their families, 17% of them are affected by malnutrition and under-nutrition. As food prices rise and the global financial crisis continues, children’s suffering worsens.” [22a] (p3)

- 25.03 The US State Department’s, *Country Report on Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, stated that:

"Many children displaced by the Casamance conflict often lived with extended family members, neighbors, in children's homes, or on the streets. The government lacked adequate resources to support these children effectively. According to NGOs in the Casamance displaced children suffered from the psychological effects of conflict, malnutrition, and poor health. UNICEF reported an estimated 100,000 talibe boys and 10,000 street children." [3c] (Section 6, Children)

See also [The Casamance Movement: 1947 to 2009](#), and [Internally Displaced Persons](#)

### Basic legal information

25.04 The US Department of Labor's 2008 findings on the *Worst Forms of Child Labour*, (USSD Worst Forms of Child Labour 2009) published 10 September 2009, noted that:

"The minimum age for employment, including apprenticeships, is 15 years. With permission from the Minister of Labor, children 12 years and older may perform light work within a family setting, provided that it does not jeopardize their health, morals, or schooling. The law prohibits hazardous work for those under 18 years. The law identifies sectors in which children under 18 years cannot work or can only work under certain conditions, including workshops where there are toxic or harmful fumes, fishing boats, and in mines or quarries. Children are also forbidden to work at night, can work no more than 8 hours a day, and require a minimum break of 11 consecutive hours." [3d]

### LEGAL RIGHTS

25.05 The UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, dated 5 October 2009, noted that: "The protection of children remains a high priority in Senegalese policies. In addition to the ratification of the main relevant international instruments, Senegal has taken significant action to enforce children's rights. In that connection, a Children's Code is being drafted." [13b] (p4)

25.06 The USSD Worst Forms of Child Labour 2009 stated that:

"The Government of Senegal held workshops during the reporting period with local officials, NGOs, and civil society to raise awareness on child labor and begging. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship runs a program of support to 48 Koranic schools that have committed not to engage their students in begging. The Government continues to implement the National Timebound Program that was started with funding from USDOL and support from ILO-IPEC. The Government also is implementing the Child Labor Plan, which focuses on better management of child labor issues" [3d] (p327)

25.07 The same report further noted that: "The Ministry of Labor is responsible for enforcing child labor laws; 'social security' inspectors within the Ministry investigate child labor cases. According to USDOS, labor officers rely on reports of violations from unions because the inspectors lack transportation and other resources, preventing them from conducting workplace visits. Labor inspectors monitor and enforce minimum age laws in state-owned corporations, private enterprises, and cooperatives." [3d] (p327)

See also Women: [Social and Economic Rights](#) for information on the legal age of marriage.

## VIOLENCE AGAINST CHILDREN

- 25.08 Human Rights Watch Report entitled *Off the Backs of the Children, Forced Begging and Other Abuses against Talibes in Senegal*, dated 15 April 2010, stated that:

“At least 50,000 children attending hundreds of residential Quranic schools, or daaras, in Senegal are subjected to conditions akin to slavery and forced to endure often extreme forms of abuse, neglect, and exploitation by the teachers, or marabouts, who serve as their de facto guardians. By no means do all Quranic schools run such regimes, but many marabouts force the children, known as talibés, to beg on the streets for long hours—a practice that meets the International Labour Organization’s (ILO) definition of a worst form of child labor—and subject them to often brutal physical and psychological abuse. The marabouts are also grossly negligent in fulfilling the children’s basic needs, including food, shelter, and healthcare, despite adequate resources in most urban daaras, brought in primarily by the children themselves.” [23a] (p2, Summary)

- 25.09 The same report further noted that:

“In every major Senegalese city, thousands of young boys dressed in dirty rags trudge back and forth around major intersections, banks, supermarkets, gas stations, and transport hubs begging for money, rice, and sugar. Often barefoot, the boys, known as talibés, hold out a small tomato can or plastic bowl to those passing by, hoping to fulfill the daily quota demanded by their teachers, or marabouts, who oversee their schooling and, usually, living quarters. Typically the children are forced to beg for long hours every day and are beaten, often brutally, for lacking the tiniest amount. On the street they are vulnerable to car accidents, disease, and often scorching heat.

“Inside the daaras, the boys are subjected to deplorable conditions and, at times, physical and sexual abuse from older boys. The boys are typically crammed into a room within an abandoned structure that offers scant protection against rain or seasonal cold. Many choose to sleep outside, exposed to the elements. Very few are fed by their marabouts; instead, they must beg to feed themselves, leaving many malnourished and constantly hungry. When they fall sick, which happens often, they seldom receive help from the marabout in obtaining medicines. Ultimately exploited, beaten, and uncared for, at least hundreds every year dare to run away, often choosing the hardship of a life on the streets over the abuse of life in the daara.

“Forced begging places children in a harmful situation on the street and therefore meets the ILO’s definition of a worst form of child labor. Moreover, as the forced begging and gross neglect is done with a view toward exploitation, with the marabout receiving the child from his parents and profiting from the child’s labor, it amounts to a practice akin to slavery.” [23a] (p25)

- 25.10 Human Rights Watch article entitled *Senegal: Abusive Teachers Sentenced*, dated 8 September 2010, stated that:

“The arrest and conviction of seven Quranic teachers who forced boys trusted to their care to beg is a significant move forward for children’s rights in Senegal, ....The men were sentenced on September 8, 2010, marking the first application of a 2005 law outlawing the practice; ...The prosecution was part of an effort by Senegalese authorities to combat the widespread practice of exploitation and forced labor endured by tens of thousands of boys entrusted to men like the accused for the purposes of

learning the Quran. Each of the seven men was sentenced in a Dakar court to six months imprisonment with a suspended sentence and a fine of 100,000 francs CFA (US\$200). The arrest and conviction of these men represents a welcome step toward ending the exploitation of vulnerable children under the guise of supposed religious education," said Corinne Dufka, senior West Africa researcher at Human Rights Watch. "The Senegalese government should continue prosecuting abusers while at the same time ensuring that the boys are safely returned to their families." [23b]

- 25.11 The USSD Report 2009 noted that: "Rape of children was a problem. The director charged with protection of children's rights reported an estimated 400 cases of rape during 2006-2007." [3c] (Section 6, Children)

See also [Rape](#)

The following link provides useful information on the above topic:

Human Rights Watch, *Off the Backs of the Children, Forced Begging and Other Abuses against Talibes in Senegal*, 15 April 2010  
<http://www.hrw.org/en/reports/2010/04/15/backs-children>

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

UNICEF Country Profile Senegal 2009  
[http://www.unicef.org/infobycountry/files/BOOK\\_FINAL\\_COMPLETE.pdf](http://www.unicef.org/infobycountry/files/BOOK_FINAL_COMPLETE.pdf)

[Return to contents](#)  
[Go to sources](#)

## CHILDCARE AND PROTECTION

- 25.12 An Overseas Development Institute article entitled *Social protection to tackle child poverty in Senegal*, dated September 2009, on social protection in Senegal stated:

"...social assistance programmes, which focus on the destitute (indigents), are extremely weak, benefiting only a few hundred people on an ad hoc basis, and child protection programmes are small and fragmented, relying on donors for resources and on NGOs for implementation ... the adoption of the NSPS [National Social Protection Strategy] and its incorporation into the second PRSP [Poverty Reduction Strategy Paper] constitute important steps towards a comprehensive vision for social protection, in particular to expand coverage to the poor, the vulnerable and those working in the informal sector. Importantly, the NSPS classifies children as a specific vulnerable group and includes provisions for their protection against harmful practices, exploitation and violence. ... However, there have been problems in implementation. Despite the need for a cross-sectoral approach to social protection, coordination among the key actors has been poor, resulting in weak programming." [27]

- 25.13 On strengthening child protection services the same paper reported that:

"Senegal's SNPS [National Social Protection Strategy] and PRSP II highlight the need for child protection mechanisms – both preventive and responsive – to address the risks facing children. There is also a fairly comprehensive legal framework for child protection. Indeed, the Convention on the Rights of the Child (CRC) was incorporated

52 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

into the Constitution in 2001. Furthermore, there is strong support for child rights at the highest level, as shown by the recent creation of the Child Support Unit (Cellule d'Appui pour l'Enfance), under the Presidency. Operational responsibility lies mainly with the Directorate for the Protection of Children's Rights (DPCR) in MFNSFEM.

"However, it would be premature to conclude that a real child protection 'system' is in place. Capacity is weak, coordination among agencies is weak, and there is limited government funding for operational programmes. There are also serious challenges of law enforcement and resistance to legal provisions from entrenched traditional cultural attitudes. There is heavy dependence on donor funding and NGOs for the implementation of programmes." [27]

## EDUCATION

25.14 The USSD Report 2009 stated that:

"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 efforts of the government, NGOs, and international donors, primary school enrollment reached 82 percent during the year.

"Young girls encountered greater difficulties in receiving higher education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters rather than sons from school. Only 25 percent of women and girls over 15 years of age were literate, compared with 42 percent of boys and men." [3c] (Section 6, Children)

The following link provides useful information on the above topic:

UNICEF, Education in Senegal report,  
[http://www.unicef.org/videoaudio/ramfiles/Factsheet\\_education\\_low.pdf](http://www.unicef.org/videoaudio/ramfiles/Factsheet_education_low.pdf)

[Return to contents](#)  
[Go to sources](#)

## 26. TRAFFICKING

26.01 The US State Department Country Report on Human Rights Practices 2009, Senegal (USSD Report 2009), published on 11 March 2010, stated that: "The constitution and law prohibit trafficking in persons; however, persons were trafficked to, within, through, and from the country." [3c] (Section 6, Trafficking in Person)

26.02 The US State Department *Trafficking in Persons Report 2010*, published 14 June 2010, (USSD Trafficking in Persons Report 2010), stated that:

"Senegal is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor, forced begging, and commercial sexual exploitation. There are no reliable statistics for the total extent of human trafficking in Senegal. UNICEF estimates that 100,000 children in Senegal, most of whom are talibes – students attending Koranic schools run by teachers known as

marabouts – are forced to beg, and that in Dakar alone there are 8,000 of these children begging in the streets. In addition to forced begging, Senegalese boys and girls are subjected to involuntary domestic servitude, forced labor in gold mines, and commercial sexual exploitation.” [3e]

See also [Violence Against Children](#)

26.03 The USSD Trafficking in Persons Report 2010 further stated that:

“Trafficking within the country is more prevalent than transnational trafficking, though children from neighboring countries have been found in forced begging and other forms of forced labor in Senegal. ...

“The Government of Senegal does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so, despite limited resources. The government continued its strong commitment to provide shelter, rehabilitation, and reintegration services to *talibe* boys. Despite these overall significant efforts, however, the government has not sufficiently addressed other forms of human trafficking through law enforcement action, victim care, or raising public awareness. Therefore, Senegal is placed on Tier 2 Watch List for the second consecutive year.” [3e]

#### GOVERNMENT EFFORTS TO COMBAT TRAFFICKING

26.04 The US Department of Labor’s 2008 findings on the *Worst Forms of Child Labour*, (USSD Worst Forms of Child Labour 2009) published 10 September 2009, noted that:

“Officials from the Government of Senegal have participated in trafficking and child awareness events hosted by NGOs, and have provided training on trafficking prevention, protection, and prosecution, attempting to raise public awareness on these issues. The Government also provides training to police, social workers, hospital employees, judges, lawyers, associations and others on the dangers of child trafficking, monitoring child trafficking, and its prevention.” [3d] (p328)

The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

US Department of State, *Trafficking in Persons Report*, published 14 June 2010, <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm#>

International Organisation for Migration, *Assistance Programme for the Return and Reintegration of Trafficked Children in West Africa* [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about\\_migration/IOM\\_Return\\_Reintegration\\_WA\\_2006\\_eng.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about_migration/IOM_Return_Reintegration_WA_2006_eng.pdf)

The US Department of Labor’s 2008 findings on the *Worst Forms of Child Labour*, (USSD Worst Forms of Child Labour 2009) published 10 September 2009 [3d] (p326-328) <http://www.dol.gov/ilab/programs/ocft/PDF/2008OCFTreport.pdf>

[Return to contents](#)  
[Go to sources](#)

## 27. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

27.01 The following links provide useful information on the above topic:

World Health Organisation (WHO), Countries: Senegal  
<http://www.who.int/countries/sen/en/>

WHO: Country Health Profile of Senegal, 2006  
<http://www.afro.who.int/en/senegal/country-health-profile.html>

Institute for Transportation and Development Policy (ITDP) *Report on current situation in the health sector of Senegal and possible roles for non-motorised transport interventions, 28 December 2004 to 8 January 2005*,  
<http://www.itdp.org/documents/ITDP%20Transport%20and%20Health%20Care%20-%20Senegal.pdf>

Encyclopaedia of the nations, *Senegal Health*,  
<http://www.nationsencyclopedia.com/Africa/Senegal-HEALTH.html>

International Committee of the Red Cross (ICRC) article entitled *Senegal: access to health care improved in Fogy region*, dated 21 May 2010  
<http://www.icrc.org/web/eng/siteeng0.nsf/html/senegal-news-210510>

Report of the Working Group on the Universal Periodic Review: Senegal, 5 October 2009 <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm> (Please click on report with the following symbol number: A/HRC/11/24\*)

## HIV/AIDS

27.02 The following links provide useful information on the above topic:

UNAIDS, *Countries: Senegal*  
<http://www.unaids.org/en/CountryResponses/Countries/senegal.asp>

Avert.org *HIV and Aids in Africa*, last updated 14 July 2010  
<http://www.avert.org/hiv-aids-africa.htm>

United Nations: *Consideration of reports submitted by States parties under article 73 of the Convention, Initial reports of state parties: Senegal*, 4 January 2010 [13d] (p5)  
<http://www2.ohchr.org/english/bodies/cmw/docs/AdvanceVersions/CMW.C.SEN.1.doc>

United Nations: *Report of the Working Group on the Universal Periodic Review: Senegal*, 5 October 2009  
<http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm> (Please click on report with the following symbol number: A/HRC/11/24\*)

## MENTAL HEALTH

The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.

27.03 The following links provide useful information on the above topic:

WHO: *Mental Health Atlas 2005, Country Profile: Senegal*  
[http://www.who.int/mental\\_health/evidence/atlas/profiles\\_countries\\_s1.pdf](http://www.who.int/mental_health/evidence/atlas/profiles_countries_s1.pdf)

[Return to contents](#)  
[Go to sources](#)

## 28. FREEDOM OF MOVEMENT

28.01 The US State Department *Country Report on Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, stated that: "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." [3c] (Section 2d, d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm> [3c] (Section 2d: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

The US Committee for Refugees and Immigrants (USCRI), *World Refugees Survey 2008, covering 2007, Senegal*, accessed on 20 September 2010  
<http://www.refugees.org/countryreports.aspx?id=2167>

[Return to contents](#)  
[Go to sources](#)

## 29. INTERNALLY DISPLACED PERSONS (IDPs)

29.01 The US State Department *Country Report on Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, stated that:

"During the 27-year-old Casamance conflict, tens of thousands of persons left villages in the region due to fighting, forced removal, and landmines. Many persons were reportedly displaced during the year in the region. The government estimated that there were approximately 10,000 IDPs in the Casamance, although this number tended to fluctuate with the ebb and flow of the conflict. Some IDPs who attempted to return to their villages in rural communities south of Ziguinchor met with hostility from MFDC combatants, who survived on the same natural resources as returning IDPs." [3c] (Section 2d, Internally Displaced Persons (IDPs) )

29.02 Internal displacement monitoring centre report entitled *New displacement and challenges to durable solutions in Casamance*, dated 18 June 2010, stated that:

"Displacement has been large-scale and long-term in areas south of the Casamance River, especially along the border with Guinea-Bissau... The vast majority of displaced people in Casamance have sought refuge with family, friends or host communities, with almost 80 per cent seeking refuge with family and friends... Some of the new IDPs have

56 The main text of this COI Report contains the most up to date publicly available information as at 29 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 12 October 2010.



joined families who were themselves displaced..., while some 150 people displaced by the September 2009 clashes had reportedly no family or friends to host them.... Given the long-term nature of displacement, host communities' resources have become extremely stretched." [24] (p4)

- 29.03 The USSD Report 2009 also noted that "The government supported IDPs in Ziguinchor by supplying food and enrolling children in local schools." [3c] [3c] (Section 2d, Internally Displaced Persons (IDPs) )

The following link provides useful information on the above topic:

Internal displacement monitoring centre, *New displacement and challenges to durable solutions in Casamance*, dated 18 June 2010  
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/9A0C63B752E940FCC125774600275651/\\$file/Senegal\\_Overview\\_June10.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9A0C63B752E940FCC125774600275651/$file/Senegal_Overview_June10.pdf)

International Committee of the Red Cross (ICRC) report, entitled *Senegal: ICRC delivers essential aid to displaced persons in Casamance*, dated 17 May 2010  
<http://www.icrc.org/web/eng/siteeng0.nsf/html/senegal-news-170510!OpenDocument>

IRIN Global, *Senegal: Hundreds displaced after clashes*, dated 4 September 2009  
<http://www.irinnews.org/Report.aspx?ReportId=86017>

Internal displacement monitoring centre, *Internal displacement caused by conflict and violence, Estimated numbers of internally displaced people from 2001 to 2009*  
<http://www.unhcr.org/refworld/country,,,SEN,,4c4030912,0.html>

[Return to contents](#)  
[Go to sources](#)

## 30. FOREIGN REFUGEES

- 30.01 The following link provides useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm> [3c] (Section 2d: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

Central Intelligence Agency, Senegal, *Refugees and Internally displaced Persons*, last updated 19 August 2010  
<https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html>

The US Committee for Refugees and Immigrants (USCRI), *World Refugees Survey 2008, covering 2007, Senegal*, accessed on 20 September 2010  
<http://www.refugees.org/countryreports.aspx?id=2167>

Global Detention Project, *Senegal detention profile*, last updated August 2009  
<http://www.globaldetentionproject.org/countries/africa/senegal/introduction.html>

[Return to contents](#)  
[Go to sources](#)

### 31. CITIZENSHIP AND NATIONALITY

- 31.01 The US State Department *Country Report on Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, stated that: "Citizenship is acquired by birth or by naturalization; only the father can pass on nationality. Children are not registered at birth unless a parent requests it be done, but failure to do so did not result in the denial of public service." [3c] (Section 6, Children)

The following link provides further useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

Multiple Citizenship, *Citizenship laws of the world, Senegal*, [http://www.multiplecitizenship.com/wscl/ws\\_SENEGAL.html](http://www.multiplecitizenship.com/wscl/ws_SENEGAL.html)

Immigration and Refugee Board of Canada, *Republic of the Congo/Senegal: Whether a person who was born in Brazzaville of a Senegalese father and a Congolese mother and who obtained citizenship from the Republic of the Congo at birth can obtain Senegalese citizenship; if so, the steps that this person must take to do so; whether obtaining citizenship is a mere formality; whether the person must give up his or her Congolese citizenship; the procedure for obtaining Senegalese documents*, dated 11 December 2006 <http://www.unhcr.org/refworld/publisher,IRBC,,SEN,4b7cee8fc,0.html>

[Return to contents](#)  
[Go to sources](#)

### 32. EXIT AND RETURN

- 32.01 The US State Department *Country Report on Human Rights Practices 2009, Senegal* (USSD Report 2009), published on 11 March 2010, stated that: "Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, this law was not generally enforced." [3c]
- 32.02 The United Nations *Consideration of reports submitted by States parties under article 73 of the Convention, Initial reports of state parties: Senegal*, dated 4 January 2010, stated that: "The Constitution of Senegal guarantees freedom of movement to all persons. Subject to compliance with the administrative formalities, anyone may leave or return to Senegal." [13d] (p15)

[Return to contents](#)  
[Go to sources](#)

### 33. EMPLOYMENT RIGHTS

- 33.01 The following links provide useful information on the above topic:

US Department of State, *Human Rights Practices Report, Senegal*, published on 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>

[Return to contents](#)  
[Go to sources](#)

## Annex A

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### CHRONOLOGY OF MAJOR EVENTS

Source (British Broadcasting Corporation (BBC) Timeline, updated on 3 February 2010) [26a] unless otherwise stated.

<b>1960</b>	
June	Senegal becomes independent, as part of Mali Federation.
August	Senegal pulls out of Mali Federation, becomes separate republic with Leopold Senghor as president.
<b>1962</b>	Attempted coup led by Prime Minister Mamadou Dia. Dia is imprisoned until 1974.
<b>1963</b>	First constitution drawn-up.
<b>1966</b>	Senghor's Senegalese Progressive Union becomes country's sole political party.
<b>1978</b>	Three-party political system introduced.
<b>1981</b>	Leopold Senghor steps down; Abdou Diouf becomes president in 1981.
<b>1982</b>	Senegambian Confederation formed; Senegal and neighbouring Gambia aim to combine military and security forces.
<b>1982</b>	Separatists in southern province of Casamance form Casamance Movement of Democratic Forces (MFDC).
<b>1988</b>	Diouf re-elected.
<b>1989</b>	Senegambian Confederation dissolved. Dispute over grazing rights in southern Mauritania sparks violent unrest in Senegal and Mauritania.
<b>1992</b>	Diplomatic relations with Mauritania restored.
<b>1993</b>	Diouf re-elected for third term
	<b>Political change</b>
<b>2000</b>	
March	Opposition leader Abdoulaye Wade wins second round of presidential elections, ending 40 years of Socialist Party rule.
<b>2001</b>	
January	Voters back new constitution which shortens presidential term, limits holder to two terms, and gives president power to dissolve parliament.

- 2001**  
March Government signs peace accord with separatist rebels in Casamance. But there is little follow-up as separatists go through splits and leadership changes.
- 2001**  
April Abdoulaye Wade's Senegalese Democratic Party (PDS) wins an overwhelming majority in parliamentary elections.
- 2001**  
December Leopold Senghor, founding father of Senegal, dies aged 95.
- 2002**  
September Joola ferry disaster: 1,863 passengers are killed when the Senegalese vessel capsizes off the Gambian coast.
- 2002**  
November President Wade sacks the prime minister and the rest of the government; the move is said to be linked to the handling of the Joola ferry disaster.
- 2004**  
December Casamance Movement of Democratic Forces (MFDC) and government sign pact aimed at ending secessionist struggle in province of Casamance.
- 2005**  
July Former PM Idrissa Seck is charged with undermining state security, sparking clashes between his supporters and police. He is jailed for a time, but is released in February 2006 after the charge is dropped.
- Tariff row**
- 2005**  
October Dispute with neighbouring Gambia over ferry tariffs on the border leads to a transport blockade. The economies of both countries suffer. Nigerian President Olusegun Obasanjo brokers talks to resolve the issue.
- 2006**  
August The army launches an offensive against rebels from a faction of the Casamance Movement of Democratic Forces (MFDC).  
Senegal and Spain agree to jointly patrol the Senegalese coast to curb the exodus of illegal migrants heading for Europe. Senegal is a favourite starting point for migrants setting off in rickety boats.
- 2006**  
December Spain and Senegal agree a series of measures to curb illegal migration to the Canary Islands. Spain is to give 4,000 Senegalese temporary work permits over the next two years.
- 2007**  
February President Wade wins re-election.
- 2007**

- June President Wade's ruling coalition increases its parliamentary majority in elections boycotted by the opposition.
- September Spanish authorities launch a campaign on national television in Senegal to discourage illegal migration.
- December President Abdoulaye Wade declares three days of mourning after Serigne Saliou Mbacke, leader of Senegal's richest and most powerful Islamic brotherhood, dies aged 92.

### Habre trial moves

#### 2008

- April Senegal's national assembly amends the country's constitution to allow the trial of Chad's ex-leader Hissene Habre, who is accused of human rights abuses during his eight years in power.

#### 2009

- March Opposition parties win control of several cities in local elections, including Dakar, formerly a stronghold of President Wade.
- April Belgium starts proceedings at the International Court of Justice in The Hague to try to force Senegal to bring former Chadian President Hissene Habre to trial for alleged human rights abuses during his time in power.  
Prime Minister Cheikh Hajibou Soumare steps down after governing coalition suffers losses in local council polls. The president's son Karim is included in the new cabinet.
- May A UN court accepts Senegal's pledge to keep in the country ex-Chad dictator Hissene Habre, ahead of his trial for rights abuses.
- September-October - Clashes between troops and rebels in the province of Casamance.

#### 2010

- April Senegal marks 50 years of independence.  
France gives up its military bases in the country.

[Return to contents](#)  
[Go to sources](#)

## Annex B

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### POLITICAL ORGANISATIONS

Political parties and leaders as listed in the CIA World Factbook, last updated 17 September 2010, were:

African Party of Independence  
Leader: Majhemout DIOP

Alliance for the Republic-Yakaar  
Leader: Macky Sall]

Alliance of Forces of Progress or AFP  
Leader: Moustapha NIASSE;

And-Jef/African Party for Democracy and Socialism or AJ/PADS  
Leader: Landing SAVANE;

Democratic League-Labor Party Movement or LD-MPT  
Leader: Dr. Abdoulaye BATHILY;

Front for Socialism and Democracy/Benno Jubel or FSD/BJ  
Leader: Cheikh Abdoulaye Bamba DIEYE;

Gainde Centrist Bloc or BGC [Jean-Paul DIAS]; Independence and Labor Party or PIT  
Leader: Amath DANSOKHO;

Jef-Jel  
Leader: Talla SYLLA

National Democratic Rally or RND  
Leader: Madior DIOUF

People's Labor Party or PTP  
Leader: El Hadji DIOUF

Reform Party or PR  
Leader: Abdourahim AGNE

Rewmi Party  
Leader: Idrissa Seck

Senegalese Democratic Party or PDS  
Leader: Abdoulaye WADE;

Socialist Party or PS  
Leader: Ousmane Tanor DIENG

SOPI Coalition  
Leader: Abdoulaye WADE (a coalition led by the PDS);

Union for Democratic Renewal or URD  
Leader: Djibo Leyti KA [2a] (Government)

[Return to contents](#)  
[Go to sources](#)

## Annex C

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### LIST OF ABBREVIATIONS

<b>AI</b>	Amnesty International
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women
<b>CPJ</b>	Committee to Protect Journalists
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FGM</b>	Female Genital Mutilation
<b>FH</b>	Freedom House
<b>GDP</b>	Gross Domestic Product
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRW</b>	Human Rights Watch
<b>IDP</b>	Internally Displaced Person
<b>IOM</b>	International Organisation for Migration
<b>MSF</b>	Médecins sans Frontières
<b>NGO</b>	Non Governmental Organisation
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>RSF</b>	Reporters sans Frontières
<b>TI</b>	Transparency International
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>USAID</b>	United States Agency for International Development
<b>USSD</b>	United States State Department
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

[Return to contents](#)  
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[Return to contents](#)