



Freedom in the World 2018 - Senegal

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Freedom Status: Free

Aggregate Score: 75 (0 = Least Free, 100 = Most Free)

Freedom Rating: 2.0 (1 = Most Free, 7 = Least Free)

Political Rights: 2 (1 = Most Free, 7 = Least Free)

Civil Liberties: 2 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 14,800,000

Capital: Dakar

GDP/capita: \$911

Press Freedom Status: Partly Free

OVERVIEW

Senegal is one of Africa's most stable democracies and has undergone two peaceful transfers of power between rival parties since 2000. The government's respect for civil liberties has improved over time, and the country is known for its relatively independent media and public engagement in free expression and debate, though defamation laws and other legislation continue to constrain press freedom. Ongoing challenges include corruption in government, weaknesses in the rule of law, and inadequate protections for the rights of women and LGBT (lesbian, gay, bisexual, and transgender) people.

Key Developments in 2017:

- Delays in the distribution of biometric voting cards caused confusion ahead of the July National Assembly elections and led to the disenfranchisement of some voters; international observer missions declared the elections transparent despite the organizational difficulties.
- In March, Khalifa Sall, the mayor of Dakar, was jailed on charges of fraud, criminal conspiracy, money laundering, and misappropriation of public funds after authorities alleged that \$2.9 million in spending by the mayor's office had been justified with false receipts; supporters denounced Sall's detention and the charges against him as politically motivated.

- In June, the National Assembly passed a new press code that disappointed press freedom advocates by increasing criminal punishments for defamation, removing judicial checks on the government's closure of press outlets, and giving the government wide latitude to block foreign news sources.

POLITICAL RIGHTS: 31 / 40 (-1)

A. ELECTORAL PROCESS: 10 / 12 (-1)

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

The president is directly elected to a maximum of two consecutive terms; in 2016, referendum voters approved constitutional amendments that reduced the presidential term from seven years to five years, effective after President Macky Sall's current term ends in 2019. In the last presidential election, held in 2012, Abdoulaye Wade of the Senegalese Democratic Party (PDS) ran for a controversial third term in a campaign that was marred by violence and intimidation, but resulted in a peaceful transfer of power. After placing second in the first round, Sall – Wade's former prime minister and campaign director, who had also served as president of the National Assembly – won a March runoff with 66 percent of the vote, representing the newly formed Alliance for the Republic (APR). The election was declared credible by international observers.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4 (-1)

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

Biometric voting cards were to be distributed to eligible voters before the elections, but only 70 percent of voters received their cards. To address the problem, the president proposed and the Constitutional Council approved a plan to allow voters to use alternative forms of identification, including passports, driver's licenses, national identity cards, or old voting cards. People with none of these forms of identification were allowed to bring their proof of registry for the biometric voting card. Opposition leaders, including former president Wade, criticized the handling of the biometric voting card delay and last-minute changes to voter identification procedures, which sowed further confusion. Some voters were allegedly disenfranchised because of difficulties related to the identification measures, which were approved just four days before the elections.

Score Change: The score declined from 4 to 3 because some voters were allegedly disenfranchised during the 2017 National Assembly elections as a result of delays in the issuance of new biometric voting cards.

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

The National Autonomous Electoral Commission (CENA) administers elections. Although CENA is nominally independent, its members are appointed by the president. The opposition criticized the government for making important changes ahead of the 2017 legislative balloting, including

the introduction of the new biometric voting system, without engaging in dialogue or building political consensus. The changes were approved in January 2017, only six months before the elections. According to the African Union (AU) observer mission, there was not enough time for logistical information about the new electoral framework to be disseminated in a coordinated fashion.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

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

New political parties can organize and operate without government interference, though the registration process for new parties can be long. Opposition candidates still face major financial inequities when competing with incumbents. There is no public financing for political parties, but the ruling group deploys a vast set of state resources to garner support, whereas opposition leaders must often rely on personal wealth to finance party operations.

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

The opposition can increase its support or gain power through elections – the 2012 election marked the second victory by an opposition presidential candidate in 12 years. In the 2017 legislative elections, 47 candidate lists were submitted. Some opposition members have argued that the wide range of parties and coalitions has the effect of fragmenting the opposition's voter support and limiting its ability to gain power.

The authorities broke up several peaceful campaign-related events in 2017. In July, a peaceful protest organized by Wade supporters was dispersed with tear gas as the legislative elections approached.

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

People's political choices are largely free from domination by groups that are not democratically accountable. Sufi Muslim marabouts exercise some influence on voters and politicians, particularly in regard to social issues such as homosexuality, marriage, and abortion rights; politicians take hard-line positions on these topics to avoid criticism from Muslim clerics.

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

For the first time in 2017, 15 of 165 parliamentary seats were reserved for the Senegalese diaspora as a result of the 2016 constitutional referendum. Thanks to a 2010 law requiring gender parity on candidate lists, women were elected to 64 of 150 legislative seats in 2012 and 70 of 165 seats in 2017. However, women's overall rate of participation in politics, including voting and engaging in local political activities, is lower than men's. Citizens of all ethnicities and religions have political rights. Due to high levels of discrimination and social stigma, LGBT people have no meaningful political representation.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

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

President Sall, his cabinet, and national legislative representatives determine government policies. However, power is concentrated in the executive branch, and the National Assembly is limited in its ability to act as a check on the president.

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

Corruption remains a serious problem, and officials often act with impunity. Several anticorruption institutions are in place, including the National Anti-Corruption Commission (OFNAC), the Court of Repression of Illicit Enrichment (CREI), the Ministry for the Promotion of Good Governance, and the National Commission on the Restitution and Recovery of Ill-Gotten Assets. These entities enforce the law unevenly and are sometimes seen as politically motivated. The head of OFNAC was fired in 2016 following the publication of its first annual report, which included critiques of officials close to the president.

One of President Sall's foremost political opponents, Dakar mayor Khalifa Sall, was arrested in March 2017 on charges of fraud, criminal conspiracy, money laundering, and misappropriation of public funds after the government alleged that \$2.9 million in funding for his office was accounted for with false receipts. The mayor argued that such funds are commonly used as political financing and that his arrest was politically motivated. In October, the public prosecutor asked the National Assembly to revoke Sall's parliamentary immunity – which he acquired after being elected to the legislature in July – and the body complied in November. Sall remained in jail at year's end.

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

The government generally operates with openness, though there are reportedly problems with competition and transparency in the awarding of government contracts. The government frequently awards contracts without any formal tender process, in contradiction with Senegalese law. Public comment processes on proposed government measures are often organized on an ad hoc basis. A 2014 law requires asset disclosures to be made by the president, cabinet members, top National Assembly officials, and the managers of large public funds. All disclosures except the president's are confidential.

CIVIL LIBERTIES: 44 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16 (-2)

D1. Are there free and independent media? 2 / 4 (-1)

The constitution guarantees freedom of speech, but defamation laws are occasionally enforced against journalists, which can lead to self-censorship. The media sector is vibrant and diverse; there are many well-known independent media entities, as well as state-controlled television, radio, and newspapers.

In June 2017, the National Assembly passed a new press code that had been debated for eight years. The move was met with concern from press freedom advocates. Under the code, criminal defamation laws remain in place, the punishments for violations were increased, the government can ban foreign news sources, and press outlets can be shut down without the approval of a judge. The new press code also allows the government to block access to internet content deemed "contrary to morality."

Score Change: The score declined from 3 to 2 because the 2017 press code increased criminal penalties for violations and removed judicial checks on government shutdowns of press outlets, among other restrictive provisions.

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

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

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

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

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (-1)

Private discussion is generally open and free. However, in 2017 several people were arrested for social media posts that the government deemed offensive. In May, for example, journalist and cartoonist Ouleye Mané was arrested along with three other individuals for "publishing pictures which offend public morality" after sharing a cartoon about President Sall in a WhatsApp group. They were imprisoned for several weeks before being released on bail.

Score Change: The score declined from 4 to 3 due to the detention of citizens for sharing online content that was critical of the president.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution guarantees freedom of assembly, which is generally respected in practice. However, the government banned several protests and violently dispersed a number of peaceful demonstrations in 2017. In June, police shot two women and attacked other protesters attending a demonstration against the abuse of a boy by religious authorities in Touba.

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

Nongovernmental organizations (NGOs) generally operate without interference from state or nonstate actors. In September and October 2017, a number of human rights organizations, including the Senegal chapter of Amnesty International, were reportedly pressured by authorities to twice cancel planned press conferences with the Mauritanian antislavery activist Biram Dah Abeid. NGO leaders claimed that the cancellations were at the insistence of the Mauritanian government, which has arrested Abeid several times.

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

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

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is formally independent, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State. Judges are prone to pressure from the government on corruption cases and other matters involving high-level officials. The corruption case of Dakar mayor Khalifa Sall raised concerns about executive interference in the judiciary. Opposition leaders claimed that the charges against Sall were politically motivated and that the denial of bail revealed undue influence on the judges in the case.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The law guarantees fair public trials and defendants' rights, but arbitrary arrest and detention remains a concern. Arbitrary arrest was common in the run-up to the 2017 legislative elections. Though the government is obligated to supply attorneys to felony defendants who cannot afford them, this representation is inconsistent in practice. Defendants frequently experienced long pretrial detentions. To address the issue, the government has introduced software that tracks detainees and notifies tribunals when the allowed pretrial detention period has been reached in a given case.

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

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

The low-level separatist conflict in the Casamance region has not been resolved. A de facto cease-fire has been in place for several years and led to a sharp drop in violence. Negotiations for a more permanent peace agreement have not yet begun.

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

The caste system is still prevalent among many of Senegal's ethnic groups. Individuals of lower castes are subject to discrimination in employment. Discrimination against women is a problem that is particularly acute in rural areas. Women face persistent inequities in employment, access to health care, and access to education.

Same-sex sexual activity remains criminalized. While these laws are rarely enforced, violence, threats, and mob attacks against LGBT people are common. There are no hate crime laws that specifically protect LGBT people, who also face discrimination in housing, employment, and access to health care.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

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

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

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

The civil code facilitates ownership of private property, and property rights are generally respected. According to the U.S. State Department's 2017 Investment Climate Statement on Senegal, commercial dispute resolution can be drawn out, and property title and land registration protocols are inconsistently applied, though the government has worked to ease property acquisition and registration. Traditional customs limit women's ability to purchase property, and local rules on inheritance make it difficult for women to become beneficiaries.

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

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

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

Child labor remains a problem, particularly in the informal economy, and laws restricting the practice are inadequately enforced. Forced begging by students at religious schools is common. A July 2017 report published by Human Rights Watch and Senegalese human rights groups assessed the first year of the government's program to reduce forced begging; it found that several hundred children taken from such schools had been returned to their families, but that over 1,000 were returned to the same schools they were taken from and that teachers suspected of abuse were not investigated.

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

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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