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# 2022 Trafficking in Persons Report: Senegal

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

## IN THIS SECTION / SENEGAL (TIER 2 WATCH LIST)

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### Senegal (Tier 2 Watch List)

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing trafficking investigations, prosecutions, and convictions and providing anti-trafficking training to judicial and law enforcement officials. The Minister of Justice released a judicial circular urging prosecutors to seek harsher penalties consistent with the 2005 anti-trafficking law. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government did not investigate, prosecute, or convict traffickers exploiting children in forced begging consistent with the 2005 anti-trafficking law for the second consecutive year. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers and continued applying penalties inconsistent with the law. The government identified significantly fewer trafficking victims, and it made minimal efforts to identify and refer adult trafficking victims to services. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Senegal was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Senegal remained on Tier 2 Watch List for the third consecutive year.

## PRIORITIZED RECOMMENDATIONS:

Increase efforts to use the 2005 anti-trafficking law to investigate and criminally prosecute trafficking crimes, especially child forced begging cases, and sentence convicted traffickers to significant prison terms.

Increase efforts to proactively identify trafficking victims among vulnerable populations, including children exploited in forced begging and women in commercial sex, as well as other at-risk populations—for example, women traveling abroad for domestic work, returning migrants, and domestic and foreign workers on People's Republic of China (PRC) national-operated fishing vessels—and refer trafficking victims to services.

Finalize and implement standard operating procedures to ensure police or judicial investigations of alleged traffickers when potential trafficking victims are identified, especially child forced begging victims.

Strengthen efforts to ensure trafficking crimes are tried under the 2005 anti-trafficking law and not as misdemeanor crimes, and ensure cases are referred to investigative judges in the criminal courts.

Increase oversight of *daaras* (Quranic schools) to prevent forced begging.

Increase technical and financial support to local governments seeking to combat human trafficking, including child forced begging, and regulate *daaras*.

Continue providing training for investigators, magistrates, prosecutors, and judges on application of the 2005 anti-trafficking law.

Increase trafficking data collection on law enforcement and victim identification efforts.

Strengthen the anti-trafficking task force's (CNLTP) authority to coordinate anti-trafficking activities among agencies conducting anti-trafficking work.

Increase oversight of overseas labor recruitment, including by prohibiting work-paid recruitment fees, and awareness of exploitation of labor migrants and the rights of Senegalese workers abroad.

In partnership with NGOs, expand access to protective services for trafficking victims outside of Dakar and for adults.

Increase efforts to raise public awareness of trafficking.

## PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine for sex trafficking and labor trafficking—except forced begging—and prescribed lesser penalties of two to five years' imprisonment and a fine for forced begging. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. While the 2005 anti-trafficking law criminalized forced begging, provisions in the penal code that allowed seeking of alms under certain conditions may have hampered law enforcement officials' ability to distinguish traditional alms-seeking from exploitation through forced begging. Revised anti-trafficking legislation, drafted in collaboration with an international organization, remained pending before the Ministry of Justice for the third consecutive year.

In data collected from five of Senegal's 14 regions, the government reported initiating 24 investigations, compared with 14 during the previous reporting period; prosecuting 29 alleged traffickers, compared with 19 during the previous reporting period; and convicting 20 traffickers, compared with 12 during the previous reporting period, with data collected from the same number of regions. Courts sentenced 14 out of the 20 convicted traffickers to at least one year imprisonment, compared with 11 out of 12 convicted traffickers during the previous reporting period; only six traffickers received sentences in compliance with penalties prescribed in the 2005 anti-trafficking law and courts issued fully suspended sentences to at least four traffickers, which did not serve to deter or adequately reflect the nature of the crime. The government prosecuted potential trafficking crimes under other penal code statutes, which often resulted in cases being heard by correctional courts rather than criminal courts and their prescribing significantly lower penalties for misdemeanor crimes with trafficking indicators, such as "pimping." In at least seven cases, the government did not pursue trafficking convictions—either by dismissing the cases or issuing administrative fines for other crimes. One official noted over-crowded prisons posed a significant challenge to the judicial system, sometimes resulting in courts issuing fines for lower-level offenses in trafficking cases. In November 2021, the Minister of Justice released a judicial circular urging prosecutors to seek harsher penalties consistent with the anti-trafficking law, appeal court decisions and sentences not in line with the law, and increase data collection and reporting on such efforts.

The government did not prosecute or convict any traffickers for child forced begging for the second consecutive year. When officials identified a child forced begging victim, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating

and prosecuting the case, in part due to public pressure associated with the social influence of Quranic teachers, which failed to deter future exploitation. Officials previously observed children being sent back in the streets to beg after authorities returned them to their families. The government reportedly prosecuted and convicted at least two Quranic teachers in 2021 for non-trafficking-related misdemeanor crimes related to child abuse or negligence, including a case involving a child's death, and issued suspended sentences to both perpetrators. In July 2021, a Quranic student in Touba died from injuries sustained while trying to escape his school after he was allegedly abused; the case remained under investigation and authorities had not filed any charges against his teachers by the end of the reporting period.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Observers alleged officials sometimes refused to investigate trafficking cases or pressured the judiciary to drop cases, especially cases involving Quranic teachers, and some security officials allegedly facilitated illegal border crossings of migrants. Although not explicitly reported as human trafficking, an international organization reported there were five new allegations submitted in 2021 of alleged sexual exploitation with trafficking indicators by Senegalese peacekeepers deployed to the UN peacekeeping mission in the Central African Republic (CAR) between 2017 to 2021. There were also two similar accusations—one from the peacekeeping operation in the Democratic Republic of the Congo (DRC) and another from the now-closed operation in Haiti—reported in 2020 concerning events alleged to have taken place between 2009 and 2015. UN and Government of Senegal investigations remained pending, and the government had not yet reported the accountability measures taken, if any, for the open cases at the end of the reporting period.

The CNLTP, in collaboration with an international organization and foreign donor, began developing standard operating procedures for law enforcement and front-line officials on the identification and investigation of trafficking cases, including screening procedures for identifying victims and, within the Dakar region, procedures for referring victims to services; the draft procedures remained pending at the end of the reporting period. The government collaborated with international organizations to provide specialized training to law enforcement and judicial officials on identifying, investigating, and prosecuting human trafficking cases, investigative techniques, and victim protection; this compared with no specialized trainings held during the previous reporting period. Many law enforcement and judicial personnel remained unaware of the provisions of the 2005 anti-trafficking law, which, coupled with limited institutional capacity, inhibited efforts to prosecute and convict

traffickers and collect data on such efforts. Observers reported investigative magistrates lacked training to identify trafficking cases, leading to potential misclassification of trafficking crimes and application of lower penalties than those prescribed in the anti-trafficking law. The government previously developed an anti-trafficking database ("Systraite") in collaboration with an international organization to collect law enforcement and victim protection data and implemented it in four regions; however, the government's ability to collect comprehensive law enforcement statistics remained limited. The government did not report cooperating with foreign counterparts on any law enforcement activities.

## PROTECTION

The government significantly decreased efforts to identify and protect trafficking victims. The government identified and referred to services at least 37 adult trafficking victims from Sierra Leone, six child trafficking victims, and 418 vulnerable children, including potential trafficking victims. The majority of children identified were from Senegal and Guinea-Bissau. This compared with identifying and referring to care 129 adult trafficking victims, and 6,187 vulnerable children, including potential child trafficking victims, identified during its "*Le retrait des enfants de la rue*" campaign to remove children from the streets in Dakar, in the previous reporting period; the government did not continue this campaign during the reporting period. Media reported the government identified an additional 23 potential trafficking victims from Niger, including 17 children and six adults, and airport authorities reportedly screened and identified 17 Sierra Leonean women suspected to be en route to exploitation in Lebanon. One NGO reported identifying and caring for an additional 43 potential child trafficking victims.

Law enforcement, immigration, and social services personnel had procedures for proactively identifying trafficking victims among vulnerable populations and referring them to services. However, authorities inconsistently applied the procedures and they were not used in all regions of the country. Authorities generally referred victims identified along Senegal's borders to an international organization and government center for victim interviews before referring them to NGO or government protective services. In Dakar and rural areas, law enforcement, civil society, and community protection groups generally referred children to the government or NGOs for social services, including repatriation assistance for foreign child victims. The government referred foreign adult victims to their respective embassies and provided repatriation support, including to Sierra Leonean victims identified during the reporting period. Authorities were not always aware of the shelters and services available, especially for adult victims, which at times caused delays in the provision of services.

The Ministry of Women, Family, Gender, and Child Protection (MWFGCP) referred 524 children to its shelter (the Ginddi Center) for care, compared with referring 598 children in the previous reporting period. The government provided 269.8 million West African CFA francs (FCFA) (\$463,700) to the Ginddi Center in 2021, the same amount provided in 2020. The center provided meals, shelter, psycho-social care, clothing, and vocational training; two staff nurses provided basic medical care. The Center also operated a hotline for cases involving child victims of crime in three languages and received 7,124 calls during the reporting period; for calls regarding child protection issues, staff brought children requiring assistance to the center for care. The Ginddi Center continued to lack sufficient space, limiting the number of victims authorities could assist and their length of stay. As a result, the government sometimes sent victims to the center for immediate services, and then to NGOs or to partner daaras—which the government had certified met capacity, hygiene, and security standards and did not engage in forced begging—that provided children with follow-on support services until family reunification. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, child victim-witnesses, and children in emergency situations, which child trafficking victims could access. Outside of Dakar, international observers reported NGOs often provided critical shelter and trafficking victim services due to a lack of government resources. Shelter and services for adult victims remained severely inadequate. Several NGOs operated shelters for trafficking victims throughout the country; however, only one private shelter located in Dakar could accommodate female adult victims, while no shelters were available for male adult victims.

Foreign national and Senegalese victims were eligible for the same services. Foreign victims who faced hardship or retribution in their country of origin could apply for temporary or permanent residency, but authorities did not report granting these protections to any victims. Access to victim services was not conditioned on cooperation with law enforcement proceedings. The government provided support to victims who chose to cooperate in prosecutions against the alleged traffickers, including food assistance and psycho-social services. The 2005 anti-trafficking law included provisions for victim protection during trials, such as allowing video-taped testimony; the government did not report using these provisions. Victims could legally obtain restitution; the government did not report requesting restitution during the reporting period. Victims could file civil suits against their traffickers; however, no victims reportedly used this provision and many victims were unaware of the option. Due to inconsistent application of victim identification procedures, authorities may have detained some unidentified trafficking victims. Authorities reportedly detained and fined individuals participating in commercial sex for lack of required documentation without screening for sex trafficking.

# PREVENTION

The government maintained prevention efforts. The CNLTP coordinated the government's anti-trafficking response and implementation of its 2021-2023 anti-trafficking national action plan, and met twice during the reporting period. The government allocated 60 million FCFA (\$103,120) to the CNLTP in 2021, the same amount allocated the previous year. The government made minimal efforts to raise awareness of human trafficking, in part due to pandemic-related public gathering restrictions. The government began working with an NGO and foreign donor to study the prevalence of sex trafficking in the gold mining area of Kedougou and, as part of this initiative, cohosted a virtual roundtable for stakeholders focused on combating sex trafficking.

Four municipal governments within Dakar continued implementing regulations prohibiting child begging, as well as provisions developed with an international organization to increase oversight of daaras and provide food, hygiene, and medical services to children. Unlike the previous year, the government did not report closing any unsafe daaras for health and safety violations. The government did not effectively regulate daaras to prevent child forced begging, and it did not have the oversight or authority to approve or deny the opening of new daaras and to close daaras based on child protection standards. The CNLTP continued to participate in the West Africa Network for the Protection of Children, a sub-regional referral mechanism for vulnerable children, including trafficking victims, comprising of NGOs and officials from neighboring countries; the network met to discuss protection and reintegration strategies for migrant children within the ECOWAS region.

The government regulated labor recruiters and brokers but did not report any investigations into fraudulent recruitment. The law did not prohibit worker-paid recruitment fees, which increased labor migrants' vulnerability to trafficking. The government made some efforts to reduce the demand for child sex trafficking, but it did not make efforts to reduce demand for commercial sex in general. The task force's tourism police forces continued to monitor the resort areas of Saly and Cap Skirring for indicators of child sex tourism and other abuses, although they did not report identifying any cases of child sex tourism. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; however, an international organization reported there were seven open allegations of sexual exploitation with trafficking indicators by Senegalese peacekeepers deployed to UN peacekeeping missions in Haiti, CAR, and Democratic Republic of the Congo between 2009 to 2021.

# TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Senegal, and traffickers exploit victims from Senegal abroad. Forced begging is the most prevalent form of trafficking in Senegal. Some corrupt Quranic teachers and men who claim to be Quranic teachers force children to beg in Dakar and other major cities in Senegal; many set daily begging quotas enforced by beatings. In 2019, an NGO estimated 100,000 children living in residential daaras across Senegal are compelled to beg. The same NGO estimated that traffickers coerce nearly 30,000 children to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint-Louis and reported that 187 of the city's 197 daaras send children to beg for at least part of the day. Traffickers fraudulently recruit victims through the pretext of traditional cultural practices called *confiage*, in which parents send children to live with family or acquaintances in order for the child to have better access to education and economic opportunities; traffickers subsequently exploit the children in forced labor and sex trafficking. Traffickers subject Senegalese children and women to sex trafficking and forced labor in domestic servitude and gold mining. Internal trafficking is more prevalent than transnational trafficking, although traffickers exploit boys from Burkina Faso, The Gambia, Guinea, Guinea-Bissau, and Mali in forced begging in Senegalese cities as well as in forced labor in Senegal's artisanal gold mines.

Traffickers exploit women in sex trafficking throughout the southeastern gold mining region of Kedougou; most victims are from Nigeria, but traffickers also exploit victims from Senegal, Ghana, Mali, Guinea, and Sierra Leone. Trafficking rings fraudulently recruit these women and use false documents to transport them to Mali and then across the border into Senegal's mining regions. Traffickers then confiscate the victims' identification documents and coerce them into sex trafficking through debt bondage, charging them travel fees ranging from 1.57 million FCFA to 2.15 million FCFA (\$2,700 to \$3,700). An NGO report attributes some of the increased demand for sex trafficking in mining communities to cultural and religious beliefs correlating sex with increased chances of finding gold. PRC national-owned and operated vessels flagged to Senegal may exploit West African men, including Senegalese, and PRC nationals in forced labor. The pandemic's impact on Senegal's economy, particularly the informal sector, and foreign vessels' decimation of its fishing stock, are causing a surge in irregular migration to Europe, including Spain; these migrants are vulnerable to trafficking. In 2018, authorities identified Ukrainian and PRC women exploited in sex trafficking in bars and nightclubs. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism for tourists from Belgium, France,

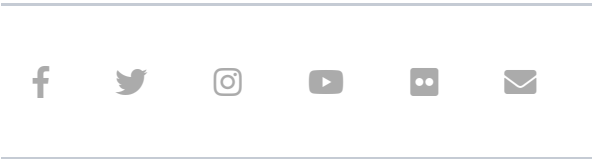
Germany, and other countries. Child sex tourism primarily occurs in the cities of Dakar and Saint Louis, and to a lesser extent in Cap Skirring and La Petite Côte, in traditional tourist areas, and increasingly in private residences. Traffickers exploit Senegalese women and girls in domestic servitude in neighboring countries, Europe, and the Middle East. In 2018, a government and international organization report alleged some Saudi diplomats in Senegal are complicit in fraudulently recruiting and exploiting some Senegalese women in domestic servitude in Saudi Arabia. In 2017, an international organization identified more than 1,100 Senegalese migrants in Libya who were vulnerable to trafficking.

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TAGS

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- Human Trafficking
- Office to Monitor and Combat Trafficking in Persons
- Senegal
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