

# SENEGAL 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Senegal is a moderately decentralized republic dominated by a strong executive branch. In March 2012 voters elected Macky Sall to succeed Abdoulaye Wade as president for a seven-year term. In July 2012 Sall's coalition won a majority of seats in the National Assembly. Local and international observers viewed the elections as largely free and fair. Authorities generally maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems included long pretrial detention, overcrowding in prisons, and corruption.

Other major human rights problems included: reports of physical abuse and torture; questionable investigative detention; lack of an independent judiciary; rape, domestic violence, sexual harassment of and discrimination against women; female genital mutilation/cutting (FGM/C); child abuse; forced and early marriage; infanticide; violence and discrimination against lesbian, gay, bisexual and transgender (LGBT) persons; discrimination against persons with HIV/AIDS; trafficking in persons; and child labor.

The Sall government continued efforts to investigate and hold to account former Wade administration officials accused of corruption. Impunity for crimes and abuses committed by government and security officials remained a problem.

Rebels associated with the Movement of Democratic Forces of the Casamance (MFDC) planted landmines, kidnapped civilians, committed robberies, and harassed local populations while fighting each other.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were some reports that the government or its agents committed arbitrary or unlawful killings. For example, in August a court released pending trial Madior Cisse and three other paramilitary officers accused in the January 2012 killing of Mamadou Sy. The prosecution appealed against their release. In November the Supreme Court upheld the decision.

On November 30, Cheikh Maleyni Sane died in custody at Dakar's Rebeuss prison, where he was being held on drug charges. According to Sane's family, a post-mortem examination concluded that his death was caused by choking and blows from a blunt instrument. Following an investigation, police arrested two prison guards on December 20 on suspicion of having killed Sane.

In November a court in the provincial capital Diourbel charged four police officers with torture, cruelty, and murder in the case of Ibrahima Samb, a bus conductor who died in police custody. Investigators alleged that Samb died as a result of being transported to a police station in the locked trunk of a car belonging to one of the police officers.

In May a court-martial sentenced a paramilitary police officer to five years in prison for the September 2012 killing of a fisherman during a security operation.

Five demonstrators accused in the January 2012 killing of police officer Fode Ndiaye remained in detention awaiting trial.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

Human rights organizations 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 interrogation methods. Police reportedly forced detainees to sleep on bare floors, directed bright lights at them, beat them with batons, and kept them in cells with minimal access to fresh air. Authorities took no action against police involved in these abuses.

Human rights organizations highlighted the lack of supervision and impunity with which security forces treated persons in police custody. While abuses occurred, the government claimed these practices were not widespread and that it usually conducted formal investigations into cases of abuse. The investigations were often lengthy, however, and rarely resulted in charges or indictments of suspects.

On September 15, the paramilitary police commander in Koumpentoun appeared before the regional appellate court to face criminal charges of torturing a suspected cattle rustler detained at the town's police station in June. The court's verdict was pending at year's end.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and sometimes life threatening. The National Organization for Human Rights, a nongovernmental organization (NGO), identified overcrowding and lack of adequate sanitation as major problems. Poor quality food, stifling heat, and insect infestation were also problems.

Physical Conditions: There were 37 prisons organized into six penal districts. According to the Office of the Director of the Prison Administration, there were 8,428 prisoners at the end of 2012, including 159 juveniles and 238 women. Dakar's main prison facility, Rebeuss, held 1,592 inmates, while its designed capacity was 800. At the end of 2012, this facility held 1,943 prisoners. Of the total number of prisoners, 3,491 were in pretrial detention and they were often separated from convicted prisoners. Conditions for female prisoners were generally better than those for male prisoners. Authorities held boys separately from men, while girls were held together with women.

According to government statistics, more than 50 prisoners died in custody in 2012. Prisons experienced drainage problems, stifling heat, insect infestations, and food of low quality. Prisons were usually connected to the local water supply, and prisoners had access to potable water.

Administration: The administration kept some records on prisoners, but computerizing recordkeeping impaired by irregular power supply at many government facilities was a problem, as was inadequate training of government personnel on computerized systems. Authorities did not use alternatives for sentencing nonviolent offenders. Ombudsmen were available to respond to complaints. Prisoners generally had reasonable access to visitors and some access to lawyers and could observe religious practices. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions.

Independent Monitoring: During the year the government permitted prison visits by local human rights groups and international observers. Members of the International Committee of the Red Cross visited prisons in Dakar and Casamance. Some prisoners were members of the MFDC.

Improvements: The government took steps to improve prison conditions. The amount budgeted for daily subsistence per prisoner increased 20 percent to 580 CFA francs (\$1.20). The government also established social workers' offices in all prisons to promote after-prison integration through vocational training. During the year the prison administration installed pay telephones for prisoners' use in all detention facilities.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

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 National Police are part of the Interior Ministry and operate in major cities. The gendarmerie is under the aegis of the Ministry of Defense and is employed primarily in rural areas where there is no police presence.

Impunity and corruption remained problems. An amnesty law covers police and other security personnel involved in "political crimes" committed between 1983 and 2004, except those who committed killings in "cold blood."

During the 2012 presidential election campaign, police used violence to disrupt political rallies of opposition parties, resulting in several injuries and deaths. In September 2012 the Association of the Victims and Family of Victims of Political Violence published a list of 25 individuals who were killed or injured through alleged police violence during the election campaign. Police opened investigations into the allegations but made no arrests. In June the government agreed to negotiate with the association over compensation payments to the families of those who died.

The Criminal Investigation Department (DIC) is in charge of investigating police abuses. The DIC formally closed four investigations into police abuse during the

political unrest that occurred in 2011 and 2012 but was not effective in addressing impunity or corruption among police.

The Regional Court of Dakar includes a military tribunal, which has jurisdiction over crimes committed by military personnel. The tribunal is composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom must be of equal rank to the defendant. The tribunal may try civilians only if they were involved with military personnel who violated military law. The military tribunal provides the same rights as a civilian criminal court.

### **Arrest Procedures and Treatment of Detainees**

Although the law requires warrants issued by judges for police to make an arrest, police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods before filing formal charges. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police officers, including DIC officials, may double the detention period from 24 to 48 hours without charges with authorization from the prosecutor. Investigators can request that a prosecutor double this period to 96 hours. For cases involving claimed threats to state security, the detention period can be further doubled. The detention period does not formally begin until authorities officially declare that an individual is being detained, a practice Amnesty International criticized for resulting in unjustly long detention periods. Bail was rarely available. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical examination. Officials generally did not allow family access. The accused has the right to an attorney, and an attorney is provided at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. Indigent defendants do not always receive attorneys in misdemeanor cases. A number of NGOs provided legal assistance or counseling to those charged with crimes.

Pretrial Detention: At the end of 2012, 3,491 persons (41 percent of the total prison population) were in pretrial detention. The average time between the filing of charges and trial was two years. Judicial backlogs and absenteeism of judges caused trial delays. The law states that an accused person may not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court demanded their release. In cases involving allegations of murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. In most cases

the length of pretrial detention was less than the length of sentence received. Criminals sentenced to prison terms received credit for time served in pretrial detention.

### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they openly questioned the government's commitment to judicial independence.

### **Trial Procedures**

The law provides that defendants enjoy the presumption of innocence and cannot be forced to testify against themselves or confess guilt. All defendants have the right to a public trial, to be present in court during their trial, to confront and present witnesses, present evidence, and to have an attorney (at public expense if needed) in felony cases. Defendants have the right to be informed of the charges against them promptly and in detail with free interpretation as necessary. They have the right to sufficient time to prepare their defense.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial. A panel of judges presides over ordinary courts in civil and criminal cases since a law passed in July 2012 eliminated trials by jury. The right of appeal exists in all courts, except for the High Court of Justice. These rights extend to all citizens.

### **Political Prisoners and Detainees**

There were some reports of political prisoners or detainees, all but one of whom were arrested in the context of the Casamance conflict (see section 1.g.). The government permitted access to political prisoners by international humanitarian organizations, and the government provided such prisoners the same protections as other prisoners.

In June police arrested Bara Gaye for having made remarks offensive to the president during a political demonstration on May 24. Gaye remained in detention

until his trial in December, after which the court released him on bail, pending its verdict. The prosecutor requested that, if found guilty, Gaye be given the minimum sentence of six months' imprisonment. The court was expected to give its verdict in January 2014.

### **Civil Judicial Procedures and Remedies**

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Citizens can also seek administrative remedies by filing a complaint with the High Commission for Peace and Human Rights in the Office of the President. 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. There were also problems in enforcing court orders, since the government can ignore court orders without legal consequences.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Killings: Violence resulted in several casualties in the Casamance but fewer than in the previous year. One soldier died in a landmine explosion, and an undetermined number of MFDC rebels died from other causes. There were few instances of combat between MFDC rebels and the army because the military did not conduct offensive operations in the Casamance during the year.

The overall level of violence in the Casamance fell during the year, continuing a trend that began after President Sall launched a peace initiative in April 2012. As part of the initiative, the government acknowledged that a military solution to the conflict was not achievable. Both the government and the MFDC rebels accepted mediation by Christian and Islamic religious organizations with experience in conflict mediation. Mediation efforts continued during the year and made incremental progress.

Abductions: The MFDC took 12 civilian mine-clearance workers hostage in May and released them unharmed in July.

Physical Abuse, Punishment, and Torture: The government and the MFDC generally treated prisoners well.

Some observers noted continued use of land mines by the MFDC, and there were several landmine accidents during the year, including one that killed a soldier. Landmine clearance work remained halted after the MFDC took mine-clearance workers hostage in May.

Incidents of banditry, armed robbery, and mine placement continued. Reports usually attributed these incidents to the MFDC.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press. The 2013 Freedom Index published by Reporters Without Borders noted continued progress in this area.

Radio was the most important medium of mass information and source of news due to the high illiteracy rate. There were approximately 80 community, public, and private commercial radio stations. Although an administrative law regulates radio frequency assignments, community radio operators claimed there was a lack of transparency in the allocation of frequencies.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), nine privately owned television channels broadcast independently during the year. By law the government holds a majority interest in RTS, and the president directly or indirectly controls selection of all members of the 12-person RTS executive staff.

Censorship or Content Restrictions: Occasional incidents of self-censorship by journalists occurred, particularly in government-controlled media, and selective government media assistance appeared to favor those government and independent outlets friendlier to the administration. The government frequently used subsidies, and in a few cases threats and intimidation, to pressure the media not to publicize certain issues.

Libel Laws/National Security: The law criminalizes libel, and authorities used libel laws to block or punish critical reporting and commentary. In December

2012 the Dakar Criminal Court suspended the magazine *Exclusif* and sentenced its managing editor, El Malick Seck, to six months' imprisonment and a fine of 100 million CFA (\$206,000). *Exclusif* had published an article alleging that the head of another media group had received bribes from the former ruling party. The magazine resumed publication in November.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, approximately 19 percent of individuals used the internet in 2012.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly. The government sometimes restricted this right. Some groups complained of undue delays when waiting for a government response to authorization requests for public demonstrations.

### **Freedom of Association**

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

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and stateless persons. As of June 30, there were 14,242 refugees in the country, 13,702 of whom were Mauritanian, according to the UNHCR.

Foreign Travel: The law requires some public employees, including teachers, to obtain government approval before departing the country. Only the military and judiciary actively enforced this law and required authorization for overseas travel by military personnel and magistrates.

### **Internally Displaced Persons (IDPs)**

During the 30-year Casamance conflict, tens of thousands of persons left villages in the region due to fighting, forced removal, and land mines. The government estimated that 10,000 IDPs remained in the Casamance, although this number fluctuated with the ebb and flow of the conflict. Some international humanitarian assistance agencies estimated the IDP number to be as high as 40,000. There were no reports of significant numbers of IDPs attempting to return to their villages in the Casamance during the year.

The government supplied food to and enrolled children of IDPs in local schools in Ziguinchor.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Since the president must approve each case, delays of one to two years in granting refugee status remained a problem. The government generally granted refugee status or asylum and provided refugees with food and nonfood assistance in coordination with the UNHCR and NGOs.

The government did not offer some asylum seekers due process or security, since appeals filed by denied asylum seekers were examined by the same committee that examined their original case. A denied asylum seeker can be arrested for staying illegally in the country, and those arrested sometimes remained in “administrative

detention” for up to three months before being deported. According to the UNHCR, as of June 30, there were 2,333 asylum seekers in the country.

Durable Solutions: Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the Senegal River valley along the Mauritanian border and enjoyed free movement within the country. Most refugees could not obtain refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. Following discussion with the UNHCR, the government agreed to provide digitized and biometric identification cards to refugees. The government, in partnership with the UNHCR, issued refugee cards to approximately 19,000 refugees, including 14,000 Mauritians.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from the Gambia and Guinea-Bissau. According to the UNHCR, 16,742 Senegalese refugees remained in the Gambia and Guinea-Bissau as of June 30.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In March 2012 voters elected Macky Sall to succeed Abdoulaye Wade as president for a seven-year term. In July 2012 Sall’s coalition won a majority of seats in the National Assembly. Local NGOs and observers from the EU, the African Union, and the Economic Community of West African States viewed the elections as largely free and fair.

Participation of Women and Minorities: In 2010 the National Assembly passed a law on gender parity that provides women equal access to all elected assemblies. The law came into effect for the National Assembly election in July 2012. Following the July election, there were 65 women in the 150-seat National Assembly and six women in the 32-member cabinet.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but the government often did not implement these penalties effectively. Officials frequently engaged in corrupt practices with impunity.

Corruption: After President Sall took office in April 2012, the government took steps to combat corruption. Police resumed financial asset investigations suspended in 2011 and opened new investigations into allegations of corruption and misappropriation of government funds by Wade administration officials. Numerous former officials were interviewed and several arrested. Some admitted guilt and paid restitution. Police questioned and subsequently detained Karim Wade (a former minister and son of former president Wade.) At year's end he was in detention awaiting trial.

After President Sall took office, the government created new agencies charged with combating corruption. The Ministry for the Promotion of Good Governance oversees implementation of good governance measures and informs the president of any suspected wrongdoing. The National Anticorruption Office is responsible for promoting integrity and transparency in public governance. The National Commission on Restitution and Recovery of Ill-gotten Assets is charged with recovering stolen and hidden assets, with proceeds to be deposited in the state treasury. The reactivated Court of Repression of Economic and Financial Crime aims to fight economic crimes committed by officials, including money laundering, illegal foreign transfers, and theft. The anticorruption agencies generally operated independently and effectively. The Ministry for the Promotion of Good Governance sought the support of civil society through a nationwide outreach program.

Whistleblower Protection: There are no laws that protect whistleblowers.

Financial Disclosure: Public officials were subject to financial disclosure laws only in cases of investigations. The president is the only official required by law to disclose assets at the beginning of his term, and this asset declaration is available to the public. Upon taking office, President Sall disclosed his assets and announced that all cabinet-level officials would disclose their assets, although only the minister of justice did so. Although the Ministry for the Promotion of Good Governance monitors disclosures, it does not have the capacity to verify their accuracy. There are no criminal or administrative sanctions for noncompliance.

Public Access to Information: The constitution and law provide citizens the right to access government information freely. Authorities did not follow consistent practices with respect to determining the grounds for nondisclosure, establishing deadlines for responding to requests for information, or charging processing fees. The government did not have an appeals mechanism to review disclosure denials or public outreach activities or training for public officials on the release of government information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative but rarely took action to address their concerns.

Government Human Rights Bodies: The government's National Committee on Human Rights included government representatives, civil society groups, and independent human rights organizations. The committee had authority to investigate abuses but lacked credibility, had limited funding, did not meet regularly, did not conduct investigations, and last released an annual report in 2001.

In July 2012 the government reached an agreement with the African Union to establish "Extraordinary African Chambers" within the legal system to try former Chadian dictator Hissene Habre. A month earlier the International Court of Justice held that Senegal was in breach of its obligation to extradite or prosecute under the UN Convention against Torture. The court ruled that the government should submit Habre's case for prosecution without further delay if it did not extradite him to Belgium. At year's end Habre remained in detention awaiting trial by the special court.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides that men and women are equal under the law and prohibits discrimination based on race, gender, disability, language, or social status. Nevertheless, discrimination was widespread, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced. There are no laws to prevent discrimination based on sexual orientation.

## Women

Rape and Domestic Violence: Rape was widespread. Spousal rape remained difficult to quantify since it was a taboo subject and seldom reported. The law prohibits rape but not spousal rape, and the government rarely enforced this law. Penalties for rape range from five to 10 years' imprisonment.

Violence against women is also against the law, but the government did not enforce the law, particularly when violence occurred within the family. Police usually did not intervene in domestic disputes, and most victims were reluctant to go outside the family for redress. 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.

NGOs, including the Committee to Combat Violence against Women and Children (CLVF), criticized the failure of some judges to apply the domestic violence laws, citing cases where judges claimed lack of adequate evidence as a reason to issue lenient sentences. NGOs also criticized the government's failure to permit associations to bring suits on behalf of victims and the lack of shield laws for rape. The law allows the common practice of using a woman's sexual history to defend men accused of rape.

Several women's groups and the CLVF reported a rise in violence against women. Although no nationwide statistics were available, the CLVF reported that domestic violence cases accounted for more than 90 percent of all reported cases of violence against women in Dakar in 2011. The Ministry of Justice estimated in 2009 (the most recent information available) that 47 percent of accused rapists went unpunished and were released without trial.

The Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women. The Ministry of Justice was responsible for combating domestic violence. The government-run Ginddi Center provided shelter to women and girls who were victims of rape or early marriage, and to street children.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense. It was not commonly inflicted on women but was widely perpetrated on girls (see section 6, Children).

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA (\$103 to \$1,030) for sexual harassment; however, the practice was common. The government did not effectively enforce the law, and women's rights groups claimed victims of sexual harassment found it difficult, if not impossible, to present proof that was sufficient to secure prosecutions.

Reproductive Rights: The law provides that all individuals have the right to be informed about and choose methods for spacing births. It also provides for the right to medical services for all women during pregnancy and to a safe delivery. The law considers the right to reproductive health a "fundamental and universal right guaranteed to all individuals without discrimination" and provides that "all couples and individuals have the right to freely decide to have children, to determine the number of children they wish, and the spacing of these children."

Poor medical facilities constrained these rights, particularly in rural areas and in some urban areas where lack of funds led to closing maternity wards and operating rooms. According to Demographic Health Surveys, skilled personnel attended approximately 65 percent of births and provided prenatal care in 93 percent of cases. According to the Ministry of Health and Social Action, the maternal mortality ratio was 392 deaths per 100,000 live births in 2010. According to the UN Population Fund (UNFPA), the lifetime risk of maternal death was one in 46. The Ministry of Health and Social Action estimated that most maternal deaths in childbirth could be prevented through the assistance of skilled health personnel and the availability of emergency obstetrical services. Social and cultural pressures to have large families reportedly led some husbands to ask health workers to terminate the use of contraceptives by their spouses. This reportedly led women to be discreet in the use of contraception. The UNFPA estimated that 12 percent of all girls and women between the ages of 15 and 45 used a modern method of contraception.

Discrimination: 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 needed neither to be notified nor to give prior consent if the man took 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.

The family code's definition of paternal rights remained an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can become the legal head of household only when the father formally renounces his authority before the authorities. It is also possible for women to take charge of their children and husband if he is unable to act as head of household. Traditional practices also made it difficult for women to purchase property in rural areas.

Men and women have equal rights to apply for a job. Women represented 52 percent of the population, but they performed 90 percent of domestic work and 85 percent of agricultural work. The law requires equal pay for equal work; however, women experienced discrimination in employment and operating businesses.

## **Children**

Birth Registration: Citizenship is acquired by birth or naturalization. Only the father can automatically transmit nationality to legitimate children; a woman can do so if her husband is stateless. Legitimate children born to Senegalese women with foreign husbands have the option to acquire citizenship between the ages of 18 and 25. Illegitimate children acquire the citizenship of the first known parent at birth. The law does not make birth declaration mandatory, but birth certificates are required for enrolling children in school and obtaining other civil documents. According to the UNFPA, approximately 55 percent of all births were registered. Registering births required travel to a registration center and payment of a small fee, although a program initiated by Swiss NGO Aid and Action allowed village chiefs in some areas to register births by text messaging.

Education: The law provides for tuition-free, compulsory education for children between the ages of six and 16; however, many children did not attend school due to lack of resources or available facilities. Students often had to pay for their own books, uniforms, and other school supplies. The historical gap favoring boys over girls in elementary education enrollment levels no longer existed, and during the year more girls than boys were enrolled in elementary school.

Girls encountered greater difficulties in continuing in school beyond the elementary level. When families could not afford for all their children to attend school, parents tended to remove daughters rather than sons from school. Sexual harassment by school staff and early pregnancy also caused the departure of girls from school. The UN Children's Fund (UNICEF) reported that schools enrolled 28 percent of boys in secondary education, compared with 22 percent of girls.

Child Abuse: Child abuse was common, particularly among children sent by their parents to study the Koran with an unscrupulous Koranic teacher. These children were exploited, suffered physical abuse, and were forced to beg on street corners. Since they begged full time, they devoted almost no time to Koranic studies. A report issued by Human Rights Watch in 2010 estimated there were at least 50,000 child beggars in the country who were forced to beg long hours, seven days a week. Most were approximately 10 years old, although some reportedly were as young as two years of age.

Forced and Early Marriage: By law women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but this law generally was not enforced in most 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. According to the UNFPA, 33 percent of women between the ages of 20 and 24 were married before the age of 18, based on surveys completed between 2000 and 2011.

Officials from the Ministry of Women, Family, Social Development, and Women's Entrepreneurship and women's rights groups stated that child marriage was a significant problem in parts of the country, particularly in rural areas, and they undertook educational campaigns to address it.

Harmful Traditional Practices: Almost all girls in the northern Fouta Region were female genital mutilation/cutting (FGM/C) victims, as were 60 to 70 percent of girls in the South and Southeast. Sealing, one of the most extreme and dangerous forms of FGM/C, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnic groups, particularly in rural and some urban areas. According to the NGO German Society for International Cooperation, excision, type II, was the form of FGM/C most frequently practiced. According to a survey on health and demographics by the National Institute for Statistics, the percentage of girls who were victims of FGM/C decreased from 28 percent in 2005 to slightly less than 26 percent in 2011.

The government collaborated with the NGO Tostan and other groups to educate individuals about FGM/C's inherent dangers. According to a 2011 UNFPA report on FGM/C, the government was integrating a course on FGM/C into the curriculum of all schools and colleges. To address the poor enforcement of the law, the Ministry of Justice developed a work plan to inform the public and better

apply the law in collaboration with key stakeholders across 14 regions. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship organized workshops across the country to encourage the application of the law. Administrative authorities, local elected officials, and representatives of community-based organizations attended such workshops.

Sexual Exploitation of Children: The law provides that convicted sexual abusers of children receive five to 10 years' imprisonment. If the offender is a family member, the maximum is applied. Any offense against the decency of a child is punishable by imprisonment for two to five years and in certain aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million CFA (\$620 to \$8,250). If the crime involves a victim younger than 13, the maximum penalty is applied. The law was not effectively enforced.

The minimum age of consensual sex is 18. Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. Pornography is prohibited. Pornography involving children under the age of 16 is considered pedophilia and is punishable by up to two years' imprisonment and fines of up to 300,000 CFA (\$620). Although prostitution is legal, the police did not report any cases of child sex tourism.

Infanticide or Infanticide of Children with Disabilities: Women's rights groups highlighted infanticide, usually due to poverty or embarrassment, as a continuing problem. Domestic workers or women from villages working in cities who became pregnant sometimes killed their babies since they could not care for them. Others married to men working outside the country killed their infants out of shame. According to the African Assembly for the Defense of Human Rights, infanticides often occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. In some cases the families of the women shamed them into killing their babies. If police discovered the identity of the mother, she was arrested and prosecuted.

Displaced Children: Many children displaced by the Casamance conflict often lived with extended family members, neighbors, in children's homes, or on the streets. According to NGOs in Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

There were approximately 100 Jews resident in the country; there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **Persons with Disabilities**

Although the constitution does not explicitly prohibit discrimination against persons with disabilities, the law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but there remained a lack of infrastructure to assist them.

The government provided grants for persons with disabilities to receive vocational training, managed regional centers for persons with disabilities to receive training, and offered funding for establishing businesses. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of such children in primary school. Anecdotal evidence indicated that children with disabilities who do not attend school generally stay at home and, in some cases, beg on the streets. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities struggled to access voting sites. A 2010 law reserves 15 percent of new civil service positions for persons with disabilities, but the Senegalese National Association of People with Physical Disabilities reported the government failed to issue the executive decree required to make the law operational.

The Ministry for Health and Social Action is responsible for protecting the rights of persons with disabilities.

## **National/Racial/Ethnic Minorities**

Senegal's ethnic groups coexist relatively peacefully. In the Casamance a perceived lack of respect for the region's largest ethnic group, the Diolla, by the mostly Wolof Senegalese in the North was one of several contributing causes to the long-running Casamance conflict.

Most persons considered the subject of caste discrimination to be taboo, and intellectuals or businesspeople who were from lower castes often tried to conceal their caste identity.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity, referred to in the law as an "act against nature," is a criminal offense. LGBT persons often faced arrest, widespread discrimination, social intolerance, and acts of violence. Local NGOs worked actively on LGBT rights issues, but because of laws against homosexuality and social stigma, they maintained an exceedingly low profile. There are no laws to prevent discrimination based on sexual orientation.

The media rarely reported acts of hatred or violence against LGBT persons. A 2010 report by Human Rights Watch discussed cases of violence against gay men and the legal and cultural milieu that fostered such violence. While high-profile cases such as those cited in the report were from 2009 and earlier, local human rights groups reported that LGBT persons still faced frequent harassment by police, including arrest based only on secondhand reports, and poor treatment in detention due to their sexual orientation.

### **Other Societal Violence or Discrimination**

Government and NGO HIV/AIDS awareness campaigns increased social acceptance of persons with HIV or AIDS. Human rights activists reported that HIV-positive individuals or those with AIDS still experienced discrimination due to the widespread belief that such status indicated homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs for fear their sexual orientation would be discovered by their families.

The law prohibits all forms of discrimination against persons with HIV/AIDS. The law also allows medical doctors to inform spouses of persons with HIV/AIDS of their partners' status if the latter fail to do so after a reasonable time.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law permits all workers except security force members, including police and gendarmes, customs officers, and judges, to form and join unions. The labor code requires prior authorization from the Ministry of Interior by giving the ministry discretionary power to issue a document recognizing a trade union before it can exist legally. Under the law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. In addition, the law provides that minors (both as workers and as apprentices) cannot organize without parental authorization. The state prosecutor can dissolve and disband trade unions by administrative order if union administrators are not following union regulations for what a union is supposed to be doing on behalf of its members. The law prohibits antiunion discrimination.

The law allows the right to strike; however, certain regulations restrict this right. The constitution seriously undermines the right to strike by stipulating that a strike must not infringe on the freedom to work or jeopardize an enterprise. The law states that workplaces may not be occupied during a strike, whether or not such strike is peaceful, violates freedom to work of nonstrikers, or hinders the right of the management to enter the premises of the enterprise. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The right to strike is restricted further by the power of authorities to requisition workers to replace those on strike in all sectors, whether or not they are “essential services” sectors. The labor code does not apply to the informal sector and thus excludes the majority of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses.

The law allows unions to conduct their activities without interference and provides for the right to bargain collectively. Collective bargaining agreements, however, apply only to an estimated 44 percent of union workers.

Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. Trade unions organize on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination activities during the year.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children. Although the law prohibits the organization of begging for economic gain, a provision of the penal code provides that “the act of seeking alms on days, in places and under conditions established by religious traditions” does not constitute begging.

Such practices occurred, particularly forced child labor, including forced begging by children in Koranic schools (see section 7.c.). Some children in Koranic schools were kept in conditions of servitude, being forced to work daily, generally in street begging, and had to give the money received to their teachers. Enforcement and awareness of antitrafficking and forced labor laws was poor across sectors. There were no public data on arrests, prosecutions, or convictions for forced begging. There were no reports of victims being removed from forced labor during the year.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

Regulations on child labor set the minimum working age, working hours, and working conditions for children and prohibit children from performing particularly dangerous jobs. The law prohibits many forms of child labor exploitation but includes exceptions. In the agricultural sector, for example, children as young as 12 are able to work in a family environment when necessary. The law also allows boys under 16 to work in underground mines and quarries doing “light work.” Due to the nature of the dangers associated with mining, “light work” activities do not prevent exposure to hazards.

The minimum age for employment is 15. Inspectors from the Ministry of Labor are charged with investigating and initiating lawsuits in child labor cases. The ministry’s investigators can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens.

Labor laws prohibiting child labor were largely unenforced. For example, the Ministry of Labor sent investigators to investigate formal work places, but they were not trained to deal with child labor problems. Many of the child labor abuses

took place in the informal economy, where there were no inspections. The country's mining sector included a large informal, unregulated artisanal mining sector where entire families were engaged in artisanal mining work. There were no reports of inspections in mines during the year. The Child Labor Division in the Ministry of Labor was disbanded in 2011 and was not re-established. Inspectors did not initiate visits to investigate child labor violations because they lacked adequate funding and expertise to handle child labor cases. There was no specific system in place to report child labor violations, largely due to inadequate funding of the Child Labor Office and the Ministry of Labor. Instead, the ministry relied on unions to report violators.

The government employed seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor and exploitive begging. The government was implementing its child labor plan, which focused on improving the management of child labor issues. While the training created more awareness of child labor issues in local communities, there were no further results.

Child labor was a problem, including in the gold-mining sector, and most instances occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize work over education for their children. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick. Child labor was prevalent in many informal and family-based sectors, such as agriculture (millet, corn, and peanuts), fishing, artisanal gold mining, garages, dumpsites, slaughterhouses, salt production, and metal and woodworking shops. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, in metal and woodworking shops, and in other areas of the informal economy, such as fruit and vegetable stands.

In August 2008 (the most recent year for which such data was available) a national child labor survey published by the National Agency of Demography and Statistics measured the economic activities of children during the prior 12 months. According to the survey, 1,378,724 of the country's 3,759,074 children (37 percent) between the ages of five and 17 worked.

One of the worst situations involving child labor was in mining and rock quarrying. Child gold washers, most between the ages of 10 and 14, worked approximately eight hours a day without training or protective equipment. Children also worked long hours in rock quarries, crushing rock and carrying heavy loads without protection. Both types of work resulted in serious accidents

and long-term illness. The NGO La Lumiere reported an increase in children working in gold mines in the Kedougou area during the year due to an increase in the price of gold.

According to a 2007 government survey, 90 percent of children in Kaolack, Fatick, and Ziguinchor carried out tasks detrimental to their health and education. The study also found that 75 percent of girls were responsible for domestic chores, forcing many to leave school.

A predominant type of forced child labor was the forced begging by children sent to live and study the Koran under the supervision of unscrupulous teachers (see section 6, Children). To address this concern, the Ministry of Education provided funds to schools operated by religious institutions that met national education standards. These schools were bilingual, teaching in French and Arabic. This program removed thousands of children from street begging and exploitation. The Ministry of Education also worked on a secular curriculum for use in Koranic schools. Funding continued to be available for existing schools but was insufficient to allow the opening of additional schools.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft//tda.htm](http://www.dol.gov/ilab/programs/ocft//tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum hourly wage was 209 CFA (\$0.43) and 183 CFA (\$0.37) for agricultural workers. In campaign speeches, President Wade set the poverty income level at 100,000 CFA (\$206) per annum. The Ministry of Labor is responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of the minimum wage in the formal sector. The minimum wage provisions apply to foreign and migrant workers as well.

For most occupations in the formal sector, the law mandates a standard workweek of 40 to 48 hours or 2,080 hours per year with at least one 24-hour rest period, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. Night work is defined as activity between 10:00 p.m. and 5:00 a.m., and workers should receive a supplementary rate. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required in the formal but not the informal sector. Legal regulations on occupational safety and health exist, and the government sets the standards. There is no explicit legal protection for workers who filed complaints about unsafe working conditions.

The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The minimum wage covers the informal sector as well but was not respected, especially for domestic workers. Workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety due to high unemployment and a slow legal system.