

SENEGAL 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In February voters re-elected Macky Sall as president for a second term of five years in elections local and international observers considered generally free and fair. The government postponed until mid-2020 local municipal elections originally scheduled to take place in December.

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 part of the Ministry of Defense and primarily operates outside major cities. The army also reports to the Ministry of Defense. Civilian authorities generally maintained effective control over the security forces, but the government did not have effective mechanisms to punish abuse and corruption.

Significant human rights issues included unlawful or arbitrary killing by the government; torture and arbitrary arrests by security forces; harsh and potentially life-threatening prison conditions; lack of judicial independence; criminal libel; corruption, particularly in the judiciary, police, and elsewhere in the executive branch; trafficking in persons; criminalization of same-sex sexual conduct and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; and forced child labor.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses, whether in the security forces or elsewhere in the government, but impunity for abuses existed.

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a de facto ceasefire between security forces and armed separatists continued for a seventh year. Sporadic incidents of violence occurred in the Casamance, but they were associated more with criminal activity than directly with the separatist conflict. Individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance (MFDC) continued to rob and harass local populations. There were occasional accidental contacts, skirmishes, and arrest of MFDC units by security forces. Mediation efforts continued in search of a negotiated resolution of the conflict, which began in 1982. The government regularly investigated and prosecuted these incidents.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was at least one report the government or its agents committed an arbitrary or unlawful killing. On May 7, a 25-year-old defendant arrested for possession of marijuana was found dead in his cell at the Maison d'Arret and Correction prison in Diourbel. His family reported that he called after being arrested and said he had been beaten by police, felt sick, and had blood in his stool. Police denied any wrongdoing.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices. Human rights organizations noted examples of physical abuse committed by authorities, including excessive use of force as well as 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. The government claimed these practices were not widespread and that it usually conducted formal investigations into allegations of abuse. Investigations, however, often were unduly prolonged and rarely resulted in charges or indictments.

On August 16, authorities dismissed a police commissioner in the Parcelles Assainies neighborhood of Dakar for abuse of authority after a video on social media showed the officer and his subordinates assaulting a pharmacist in his drugstore for refusing to sell a drug without a prescription.

The United Nations reported in 2018 it had received one allegation of sexual exploitation and abuse against a member of the Senegalese military deployed with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). In addition, the United Nations

substantiated one sexual exploitation case from 2017 involving a Senegalese police officer in MINUSCA and two 2017 cases involving Senegalese police serving within the UN Stabilization Mission in the Democratic Republic of Congo (MONUSCO). Authorities repatriated these individuals back to Senegal, and judicial action remained ongoing.

Prison and Detention Center Conditions

Some prison and detention center conditions were harsh and potentially life-threatening due to food shortages, overcrowding, poor sanitation, and inadequate medical care.

Physical Conditions: Overcrowding was endemic. For example, Dakar's main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. Female detainees generally had better conditions than male detainees. Pretrial detainees were not always separated from convicted prisoners. Juvenile detainees were often held with men or permitted to move freely with men during the day. Girls were held together with women. Infants and newborns were often kept in prison with their mothers until age one, with no special cells, additional medical provisions, or extra food rations.

In addition to overcrowding, the National Organization for Human Rights, a nongovernmental organization (NGO), identified lack of adequate sanitation as a major problem. Poor and insufficient food, limited access to medical care, stifling heat, poor drainage, and insect infestations also were problems throughout the prison system.

According to the most recent available government statistics, 25 inmates died in prisons and detention centers in 2018. While perpetrators, which included prison staff and other prisoners, may have been subject to internal disciplinary sanctions, no prosecutions or other public actions were taken against them.

On August 27, a sparking fan reportedly electrocuted two inmates at Dakar's Rebeuss Prison. The government was reportedly investigating.

Administration: Authorities did not always conduct credible investigations into allegations of mistreatment. Ombudsmen were available to respond to complaints, but prisoners did not know how to access them or file reports. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman

conditions, but there was no evidence that officials conducted any follow-up investigations.

Independent Monitoring: The government permitted prison visits by local human rights groups, all of which operated independently, and by international observers. The National Observer of Detention Facilities had full and unfettered access to all civilian prison and detention facilities, but not to military and intelligence facilities. The national observer was unable to monitor prisons throughout the country. It previously published an annual report, but reports for 2015-18 had not been published by year's end.

Members of the International Committee of the Red Cross visited prisons in Dakar and the Casamance.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions. Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained; however, this rarely occurred due to lack of adequate legal counsel.

The government did not have effective mechanisms to punish abuse and corruption. The Criminal Investigation Department (DIC) is in charge of investigating police abuses but was ineffective in addressing impunity or corruption. An amnesty law covers police and other security personnel involved in "political crimes" committed between 1983 and 2004, except for killings in "cold blood." The Regional Court of Dakar includes a military tribunal that 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

Unless a crime is "flagrant" (just committed or discovered shortly after being committed), police must obtain a warrant from a court to arrest or detain a suspect. In practice police treat most cases as "flagrant" offenses and make arrests without

warrants, invoking pretrial detention powers. 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 charge if they can demonstrate substantial grounds for a future indictment and if a prosecutor so authorizes. If such extended detention is authorized, the detainee must be brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators may request a prosecutor double this period to 96 hours. Authorities have the power to detain terrorist suspects for an initial 96 hours, and with renewals for a maximum of 12 days. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International criticized for the resulting lengthy detentions.

Bail was rarely available, and officials generally did not allow family access. By law defense attorneys can have access to suspects from the moment of arrest and can be present during interrogation; this provision, however, was not regularly observed. The law provides for legal representation at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. In many cases, however, the appointed counsel rarely shows up, especially outside of Dakar. Indigent defendants did not always have attorneys in misdemeanor cases. A number of NGOs provided legal assistance or counseling to those charged with crimes. The Ministry of Justice published a policy directive in 2018 mandating counsel for defendants when questioning begins. In July a court dismissed a major criminal case because counsel had not been provided as required. Compliance improved following this dismissal.

Arbitrary Arrest: Cases of arbitrary or unlawful detention were reported. On July 29, the Division of Criminal Investigations arrested journalist Adama Gaye and placed him in custody for the publication of “writings contrary to morality” and “offense to the Head of State.” Gaye had alleged on Facebook that President Macky Sall had an extramarital relationship with a woman during a regional summit. Justice Minister Malick Sall (no relation to President Sall) said he assumed full “responsibility” for the arrest. Authorities released Gaye on bail on September 21.

Pretrial Detention: According to 2018 UN statistics, 45 percent of the prison population consisted of pretrial detainees. A majority of defendants awaiting trial are held in detention. The law states 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. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving allegations of murder, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. The 2016 modification to the criminal code created permanent criminal chambers to reduce the backlog of pretrial detainees, with some success.

In January the minister of justice issued a policy directive mandating prosecutors consider alternatives to pretrial detention. In many cases, however, pretrial detainees were held longer than the length of sentence later imposed. Two terrorism threat cases adjudicated during the year involved defendants held in pretrial custody for more than four years. One defendant was ultimately acquitted, while the other received a three-month suspended sentence.

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. The judiciary is formally independent, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State. Judges were prone to pressure from the government on corruption cases and other matters involving high-level officials.

On several occasions the Union of Senegalese Judges and Prosecutors complained about the influence of the executive over the judiciary, in particular through the presence of the president and the minister of justice on the High Council of Magistrates, which manages the careers of judges and prosecutors. In previous years, members of the High Council of Magistrates have resigned in protest, stating the executive branch should not have the ability to interfere in judicial affairs.

Trial Procedures

The constitution provides for all defendants to have the right to a fair and public trial, and for an independent judiciary to enforce this right. Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. They have the right to a fair, timely, and public trial,

to be present in court during their trial and to have an attorney (at public expense if needed) in felony cases, and they have the right to appeal. They also have the right to sufficient time and facilities to prepare their defense, and to receive free interpretation as necessary from the moment they are charged through all appeals. Defendants enjoy the right to confront and present witnesses and to present their own witnesses and evidence.

While defendants cannot be compelled to testify against themselves or confess guilt, the country's long-standing practice is for defendants to provide information to investigators and testify during trials. In addition, case backlogs, lack of legal counsel (especially in regions outside of Dakar), judicial inefficiency and corruption, and lengthy pretrial detention undermined many of the rights of defendants.

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.

The right of appeal exists in all courts, except for the High Court of Justice, the final court of appeal. These rights extend to all citizens.

On September 29, President Sall pardoned former Dakar mayor Khalifa Sall (no relation), an opposition leader in jail since 2017 after being convicted of misuse of public funds and sentenced to five years' prison. Opposition figures and human rights activists alleged the charges were politically motivated. In January the Constitutional Council had denied Sall's request to run in the presidential election, and in July it had rejected his request to overturn the conviction. Sall's political allies claimed the government rushed prosecution through the judicial system at unprecedented speed to bar him from running for president in February.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Citizens may also seek administrative

remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. In matters related to human rights, individuals and organizations may appeal adverse decisions to the ECOWAS Court of Justice. In the case of Khalifa Sall, however, the government refused to recognize the authority of the ECOWAS court to exercise jurisdiction.

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

The constitution and law prohibit such actions, but there was at least one report the government failed to respect these prohibitions. On June 29, officers of the Criminal Investigations Division (DIC) of the Gendarmerie raided the home of Jean Meissa Diop, senior journalist of media group Walfadjri. According to Diop, the DIC officers did not present a warrant and were excessively rough in handling his family. (see section 2.a, Violence and Harassment).

g. Abuses in Internal Conflict

The de facto ceasefire in the Casamance has been in effect since 2012, and President Sall continued efforts to resolve the 37-year-old conflict between separatists and government security forces. Both the government and various factions of the MFDC separatist movement accepted mediation efforts led by neutral parties. Progress toward resolution of the conflict has been incremental. On July 6, gendarmes arrested 11 members of the MFDC for holding an undeclared public meeting. Those arrested were close to Salif Sadio, leader of one branch of the separatists' armed wing. The arrests came two weeks after authorities banned a planned MFDC General Assembly in Diouloulou.

Killings: There were no reported killings by or on behalf of government authorities.

Abductions: There were several incidents related to acts of banditry attributed to MFDC rebels in which civilians were detained or otherwise harmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the

press, but the government occasionally limited these freedoms.

Freedom of Expression: Blasphemy, security, and criminal defamation laws are in place and were occasionally enforced.

On July 16, the government indicted and placed under arrest activist Guy Marius Sagna, a member of the Front for a Popular Anti-Imperialist Revolution and Pan Africanism movement (FRAPP-France-Degage), a civil society organization that rallies against French interests in the country. FRAPP-France-Degage posted a false warning on its Facebook page denouncing France for allegedly planning a bomb attack. Sagna later obtained release on bail, although his case remained pending.

Press and Media, Including Online Media: Independent journalists regularly criticized the government without reprisal. Private independent publications and government-affiliated media were available in Dakar, although their distribution in rural areas was irregular.

Radio was the most important medium of mass information and source of news due to the high illiteracy rate. There were approximately 200 community, public, and private commercial radio stations. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the process.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), more than 10 privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the RTS executive staff. Beyond RTS all other public media outlets including the Senegalese Press Agency and the *Le Soleil* daily journal were controlled by members of President Sall's ruling party, appointed by Sall; reporting by these outlets often carried a progovernment bias.

Violence and Harassment: On June 29, officers of the DIC of the Gendarmerie raided the home of Jean Meissa Diop, senior journalist of media group Walfadjri. DIC officers claimed they were searching for a journalist who had accused a senior member of the ruling party of corruption in a recent press article. According to Diop, DIC officers entered his house without presenting a warrant, invaded his privacy, searched his room, and were excessively rough in handling his family. The DIC later apologized publicly to Diop and his family for the

“misunderstanding,” while denying they used any violence and noting the intervention took place during business hours. (see also section 1.d. and section 1.f.).

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship, particularly in government-controlled media.

Internet Freedom

In 2018 the National Assembly passed a new Electronic Communications Code that local bloggers, journalists, and activists strongly criticized. Article 27 of the code grants the Senegalese Regulatory Authority for Telecommunications and Post and existing internet service providers the ability to limit or block access to certain online sites and social networks. Critics worried the law could allow ISP providers to intentionally limit bandwidth, making online phone calls inconvenient and forcing users back to telephone operators.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The government sometimes restricted freedom of peaceful assembly, but generally respected freedom of association. The Ministry of Interior must approve protests in advance.

Freedom of Peaceful Assembly

Authorities refused to authorize a number of demonstrations throughout the year. Some groups also complained of undue delays in response to authorization requests for public demonstrations.

In March Amnesty International noted concerns over the government’s negative reaction to demonstrations due to the presidential elections. According to Amnesty, police arrested at least 17 opposition party supporters in the aftermath of the elections, with the majority spending several days in detention.

On June 14, the government denied a permit for opposition activists protesting allegations of corruption involving President Macky Sall’s younger brother Aliou

Sall in the awarding of oil and gas contracts, stating the protest would pose “threats of disturbance to public order.” Police fired tear gas and blockaded protesters who marched despite the ban. Police arrested 20 individuals and released them the same day.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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, stateless persons, or other persons of concern.

In-country Movement: MFDC banditry and the risk of landmines restricted movement in some parts of the Casamance.

Foreign Travel: The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary enforced this law for their employees, however.

e. Internally Displaced Persons

During the 37-year Casamance conflict, as many as 20,000 persons left villages in the region due to fighting, forced removal, and land mines, according to estimates by international humanitarian assistance agencies. During the year refugees and IDPs continued to return to their villages.

f. 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 many years in granting refugee status remained a problem. Refugee advocates reported the government

rarely granted refugee status or asylum. The government, however, generally allowed those with pending and some with rejected asylum claims to remain in the country.

The government did not offer all asylum seekers due process or security, since the same committee that examined appeals filed by denied asylum seekers had examined their original cases. Police did not arrest denied asylum seekers for staying illegally in the country. Police did arrest asylum seekers if they committed crimes, but authorities generally contacted UNHCR in such cases to verify their asylum status and ensure they deported no one with a pending claim.

Durable Solutions: Since 1989 the country has offered protection to Mauritanian refugees, who were dispersed over a large area in the Senegal River valley along the Mauritania border and enjoyed free movement within the country. According to UNHCR, most of the remaining 14,400 Mauritanian refugees have indicated a desire to remain in the country permanently.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

Temporary Protection: The government did not formally grant temporary protection, although the government generally allowed those with pending and sometimes denied asylum claims to remain in the country.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: President Macky Sall secured reelection on February 24, winning 58 percent of the votes in the first round of voting. Election observers agreed the election was generally free and fair, despite isolated cases of voters

being unable to vote. An independent commission of government, opposition, and civil society leaders continued to debate the effect of the 2018 sponsorship law that requires electoral candidates to collect signatures from at least 0.8 percent of registered voters to be on the ballot. The law's suitability for local elections remained under debate. The government postponed local elections originally scheduled for December until mid-2020.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The 2010 gender parity law requires candidate lists of political parties contain equal numbers of men and women for elected positions at all levels, from city councils to the National Assembly. While the number of women in elected positions has increased, the law has not significantly expanded their role in exercising political authority since it does not apply to party leadership positions or to other important decision-making bodies, such as the cabinet and the judiciary. Some observers believed traditional and cultural factors prevented women from participating in the political process to the same extent as men.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government often did not enforce the law effectively. Officials frequently engaged in corrupt practices with impunity. During the year there were reports of government corruption.

Corruption: The National Anticorruption Commission's (OFNAC) first and only annual report, in 2016, concluded that bribery, misappropriation, abuse of authority, and fraud remained widespread within government institutions, particularly in the health and education ministries, postal services, and the Transport Administration. Since the dismissal of the first OFNAC president in 2016, authorities installed a new president, and the organization has focused on advising judicial officials on corruption, investigating allegations of fraud, and serving as a supervisory body on fraud-related cases.

Financial Disclosure: A 2014 law requires the president, cabinet ministers, speaker and chief financial officer of the National Assembly, and managers of public funds in excess of one billion CFA francs (\$1.7 million) to disclose their assets to OFNAC. Failure to comply may result in a penalty amounting to one-quarter of an individual's monthly salary until forms are filed. The president may dismiss appointees who do not comply. With the exception of disclosures made by the

president, disclosures made under the law are confidential and unauthorized release of asset disclosures is a criminal offense.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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, did not conduct investigations, and last released an annual report in 2001.

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

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by five to 10 years' imprisonment. Nevertheless, the government rarely enforced the law, and rape was widespread. The law does not address spousal rape. The law allows the common practice of using a woman's sexual history to defend men accused of rape.

The law criminalizes assaults and provides for punishment of one to five years in prison and a fine. 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. Nevertheless, the government did not enforce the law, particularly when violence occurred within the family. Police usually did not intervene in domestic disputes. Several women's groups and the Committee to Combat Violence against Women and Children (CLVF) reported a rise in violence against women.

NGOs, including the CLVF, criticized the failure of some judges to apply domestic violence laws, citing cases in which 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 number of incidents of domestic violence, which many citizens considered a normal part of life, were much higher than the number of cases reported. The Ministry of Justice is responsible for combating domestic violence, but it did not make public any programs to address rape and domestic violence. The government-run Ginddi Center in Dakar provided shelter to women and girls who were survivors of rape or early and forced marriage as well as to street children.

On May 20, a security guard allegedly raped and killed a 23-year-old woman in her bedroom in Tambacounda (East). The guard remained in pretrial detention awaiting trial at year's end. On October 20, a man in Kolda killed his wife after a domestic dispute. The criminal case against the husband remained pending at year's end.

Female Genital Mutilation/Cutting (FGM/C): The law provides criminal penalties for the perpetration of FGM/C on women and girls, but no cases were prosecuted during the year. FGM/C was practiced in the country but was not widespread.

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA francs (\$85 to \$850) for sexual harassment, but the problem was widespread. The government did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance were strongest.

The family code's definition of paternal rights also remained an obstacle to equality between men and women. The code considers men to be heads of household, preventing women from taking legal responsibility for their children. Additionally, any childhood benefits are paid to the father. Women can become the legal head of household only if the husband formally renounces his authority before authorities or if he is unable to act as head of household.

While women legally have equal access to land, traditional practices made it

difficult for women to purchase property in rural areas. Many women had access to land only through their husbands, and the security of their rights depended on maintaining their relationships with their husbands.

The Ministry for Women's Affairs, Family Affairs and Gender has a directorate for gender equality that implements programs to combat discrimination.

Children

Birth Registration: Citizenship is acquired by birth on Senegalese territory or naturalization. The law provides for equal rights for mothers and fathers automatically to transmit citizenship to their children. The law does not make birth declaration mandatory. Registering births required payment of a small fee and travel to a registration center, which was difficult for many residents of rural areas.

Education: The law provides for tuition-free and compulsory education for children between the ages of six and 16, although many children did not attend school. While children generally could attend primary school without a birth certificate, they needed one to take national exams.

Approximately one-third of school-age children ages six to 16 did not attend school, in many cases because of a lack of resources or available facilities; others did not attend for religious reasons. Students often had to pay for their own books, uniforms, and other school supplies.

Girls encountered greater difficulties in continuing in school beyond the elementary level. A lack of running water, poor sanitation, early pregnancy, long travel distances, and sexual harassment by school staff all contributed to girls leaving school. Where school directors were aware of sexual harassment or exploitation, they generally tried to resolve the situation on their own without reporting it to higher authorities or police and often stigmatized and faulted the behavior of the girls rather than the teacher. Girls were generally unsure of what constitutes consent and harassment and did not know where to report exploitation. If girls became pregnant, they dropped out of school and were often shunned by their families.

Many parents opted to keep their middle- and high-school-aged daughters home to work or to marry rather than sending them to school. In recent years, however, gender disparity at the middle- and high-school level has significantly lessened.

Child Abuse: Child abuse remained common, particularly of boys sent to Dakar and other cities to beg under threat of punishment. Parents sent many of these boys to study in *daaras* (Quranic schools). At some *daaras*, Quranic instructors exploited, physically abused, and forced children to beg on the street. According to a Human Rights Watch report, more than 100,000 boys lived in residential *daaras* across the country, with many forced to beg for money and food on a daily basis by their instructors.

In April police arrested a Quranic teacher in Mbour after he allegedly beat one of his students, who subsequently died.

The National Antitrafficking Task Force and Child Protection Special Unit continued to address these issues throughout the country. Nevertheless, government efforts to address the abuse of Quranic students remained weak.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Early and Forced Marriage: By law women have the right to choose when and whom they marry, but traditional practices often 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 to a man to marry a girl below the age of consent.

According to UN Population Fund statistics, 33 percent of women were married before age 18, and 12 percent before age 15. Women's rights groups and officials from the Ministry of Women, Family, and Gender stated child marriage was a significant problem, particularly in the more rural areas in the south, east, and northeast. The ministry conducted educational campaigns to address the problem.

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. Procuring a minor for commercial sexual exploitation is punishable by imprisonment for five to 10 years and a fine of 300,000 to four million CFA francs (\$500 to \$6,800). If the crime involves a victim younger than 13, the maximum penalty is applied. The law was not effectively enforced, but when cases were referred to officials, authorities conducted follow-up investigations. The minimum age for consensual sex is 18.

Pornography is prohibited, and pornography involving children younger than 16 is considered pedophilia and punishable by up to two years' imprisonment and fines of up to 300,000 CFA francs (\$500).

Exploitation of women and girls in prostitution and sex trafficking was a problem, particularly in the southeast gold-mining region of Kedougou. Although there were no reports of child sex tourism during the year, the country was considered a destination for child sex tourism for tourists from France, Belgium, and Germany, among other countries.

Infanticide or Infanticide of Children with Disabilities: Infanticide, usually due to poverty or embarrassment, continued to be a problem. In some cases women's families shamed them into killing their babies. Domestic workers and rural women working in cities sometimes killed their newborns if 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, infanticide also occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. If police discovered the identity of the mother, she faced arrest and prosecution for infanticide.

Displaced Children: Many children displaced by the Casamance conflict lived with extended family members, neighbors, in children's homes, or on the streets. According to NGOs in the 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. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were approximately 100 Jewish residents 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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but the government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

The government provided grants, managed vocational training in regional centers, and offered funding for persons with disabilities to establish 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. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities experienced difficulty registering to vote as well as accessing voting sites, due to physical barriers such as stairs as well as the lack of provisions such as Braille ballots or sign-language interpreters for persons who are visually or hearing impaired, or unable to speak. The law reserves 15 percent of new civil service positions for persons with disabilities, but this quota has never been enforced. In regions outside Dakar, in particular, persons with disabilities were still effectively excluded from access to these positions.

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

National/Racial/Ethnic Minorities

Ethnic groups generally coexisted peacefully.

Discrimination against individuals of lower castes continued, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity between adults, referred to in law as an “unnatural act,” is a criminal offense, and penalties range from one to five years’ imprisonment and fines of between 100,000 and 1.5 million CFA francs (\$170 and \$2,500); however, the law was rarely enforced. No laws prevent discrimination

based on sexual orientation or gender identity, nor are there hate crime laws that could be used to prosecute crimes motivated by bias against LGBTI persons.

LGBTI persons faced widespread discrimination, social intolerance, and acts of violence. LGBTI individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape. LGBTI activists also complained of discrimination in access to social services. The government and cultural attitudes remained heavily biased against LGBTI individuals. In July the country maintained its past position devaluing LGBTI rights by abstaining at the UN Human Rights Council on a resolution to renew the mandate of an independent expert on protection against violence and discrimination based on sexual orientation and gender identity.

On February 18, in Thiaroye, a suburb of Dakar, an angry mob killed a man accused of homosexuality in an argument over his mannerisms.

Civil society groups and LGBTI activists indicated the overall situation in the country worsened during the year. A number of gay rights activists had their personal information, including home addresses, spread over social media by private individuals and received threats of violence. As a result, some LGBTI activists have gone into hiding or have sought refuge in neighboring countries.

HIV and AIDS Social Stigma

The law prohibits all forms of discrimination against persons with HIV/AIDS, and the government and NGOs conducted HIV/AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS and increase HIV testing and counseling nationwide. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS-related illnesses suffered from social stigma due to the widespread belief that such status indicated homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs due to fear their families would discover their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, except for security force members, including police and gendarmes, customs officers, and judges. Unions have the right to bargain collectively and strike, with

some restrictions. The law allows civil servants to form and join unions. Before a trade union can exist legally, the labor code requires authorization from the Ministry of Interior. Unions have no legal recourse if the minister refuses registration, although authorization is rarely withheld. 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. Any change to the bylaws of a trade union must be reported to and investigated by the inspector of labor and the public attorney. Additionally, the law provides that minors (both as workers and as apprentices) cannot join a union without parental authorization. The state prosecutor can dissolve and disband trade unions by administrative order if union administrators are not following government regulations on the duties of a union to its members.

The law prohibits antiunion discrimination and allows unions to conduct their activities without interference. Foreigners may hold union office only if they have lived in the country for five years and only if his or her country provides the same right to Senegalese citizens. Collective bargaining agreements covered an estimated 44 percent of workers in the formal economy. Unions are able to engage in legal proceedings against any individual or entity that infringes the collective bargaining rights of union members, including termination of employment.

The law provides for the right to strike; however, regulations restrict this right. The constitution stipulates a strike must not infringe on the freedom to work or place an enterprise in peril. The law states workplaces may not be occupied during a strike and may not violate nonstrikers' freedom to work or hinder the right of management to enter the premises of the enterprise. This means pickets, go-slows, working to rule, and sit-down strikes are prohibited. 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 government does not have any legal obligation to engage with groups who are planning to strike, but the government sometimes engaged in dialogue with these groups. The government may also requisition workers to replace those on strike in all sectors, including in "essential services" sectors. A worker who takes part in an illegal strike may be summarily dismissed. The government effectively enforced applicable laws on the right to strike. Penalties for noncompliance include a fine, imprisonment, or both. Penalties were sufficient to deter violations. 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. Employees of certain government security institutions, including police, military, and customs officials,

are prohibited from unionizing and striking.

The government and employers generally respected freedom of association and the right to collective bargaining with restrictions. 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 during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Many provisions of the law impose imprisonment with compulsory prison labor as a penalty for noncompliance, such as for participation in strikes in “essential services,” for occupying the workplace or its immediate surroundings during strike actions, or for breaching labor discipline deemed to endanger ships or the life or health of persons on board.

The government did not effectively enforce applicable laws against forced labor, and such practices continued to occur in the areas of domestic servitude, forced prostitution, farm labor, and artisanal mining. Forced child labor occurred, including forced begging in some Quranic schools (see section 6). Some children in these schools were kept in conditions of servitude; were forced to work daily, generally in the street begging; and had to meet a daily quota for money or food set by their teachers.

In March 2018 the government launched a second phase of *Retrait de la Rue*, a program to remove children engaged in forced begging in the Dakar area, with some success; however, law enforcement efforts in this area remained weak. The government also revised a 2005 antitrafficking in persons law with an aim to widen its use by prosecutors. The government published additional information related to labor law enforcement.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits some, but not all, of the worst forms of child labor. Regulations on child labor set the minimum working age at 15. Work considered “hazardous”-

-including most subterranean mining, operation of machines or vehicles, bearing heavy burdens, and working on ships or fishing vessels--is prohibited until age 18. In the agricultural sector children as young as 12 are permitted to work in a family environment. Work deemed “hazardous,” and thus prohibited for children, does not include domestic work or street work, areas in which there is evidence of potential harm to child workers. The law does not always make clear the difference between “dangerous” and “light” work.

Inspectors from the Ministry of Labor are responsible for 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 not effectively enforced, and penalties were not sufficient to deter violations. The Ministry of Labor sent investigators to investigate formal workplaces, but they are not adequately trained to deal with child labor problems. Inspectors did not monitor the informal sector, and no cases of child labor were identified in the formal sector. In addition, many areas with prevalent abuses are remote, and inspectors are only located in larger cities. There was no specific system to report child labor violations, largely due to inadequate funding of the Child Labor Division and the Ministry of Labor. The ministry instead relied on unions to report violators. The government conducted seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor, exploitative begging, and online exploitation of children.

Most child labor occurred in the informal economy where the government did not effectively enforce labor regulations. 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, rock quarrying, and metal and woodworking shops. In the large, informal, unregulated artisanal mining sector, entire families, including children, were engaged in artisanal mining work. Child gold washers, most aged 10 to 14, worked approximately eight hours a day using toxic agents such as mercury without training or protective equipment. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, at fruit and vegetable stands, and in other areas of the informal economy.

According to the International Labor Organization, 28 percent of children participated in the labor force. A predominant type of forced child labor was the forced begging by children sent to live and study under the supervision of Quranic

teachers (see sections 6 and 7.b.).

Following the president's announcement of a campaign against child begging in 2016, authorities began removing children from the streets. The first phase of this campaign continued until 2017, but it was largely ineffective in addressing the problem.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

Labor law prohibits discrimination in employment and occupation based on national origin, race, gender, disability, and religion; violators are officially subjected to fines and imprisonment, but these laws were not regularly enforced, and the penalties were not sufficient to deter violations. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity. The government did not effectively enforce the antidiscrimination provisions of the law. Gender-based discrimination in employment and occupation occurred and was the most prevalent form of discrimination. Men and women have equal rights to apply for a job. Women experienced discrimination in employment and operating businesses (see section 6).

e. Acceptable Conditions of Work

The national minimum hourly wage was higher than the estimated poverty income rate. 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, with at least one 24-hour rest period per week, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required only in the formal sector. Legal regulations on industry-appropriate occupational safety and health exist, and the government sets the standards. Employees or their representatives have the right to propose

whatever they assume would provide for their protection and safety and can refer to the competent administrative authority in case the employers refuse.

The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector; those who violate standards are officially subject to fines and imprisonment, but these were not regularly enforced and were insufficient to deter violation. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The number of labor inspectors was insufficient to enforce compliance. Violations of wage, overtime, and occupational safety and health standards were common. Due to high unemployment and a slow legal system, workers seldom exercised their legal right to remove themselves from situations that endangered health or safety. A large number of workplace accidents also took place in the informal sector.