

# SENEGAL 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In February 2019 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.

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. Senegal was under a state of emergency from March 23 to June 30. The National Police are part of the Ministry of the Interior 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. Members of security forces committed abuses.

Significant human rights issues included: unlawful or arbitrary killings including extrajudicial killings by or on behalf of the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and potentially life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious restrictions on free expression, the press, and the internet, including criminal libel and slander laws; serious acts of corruption in the judiciary, police, and the executive branch; lack of investigation of and accountability for violence against women; trafficking in persons; crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender or intersex persons; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of 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 low-level insurgency between security forces and armed separatists continued. Sporadic incidents of violence occurred in the Casamance involving individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance. There were several skirmishes between those separatists and military and police forces. Mediation efforts continued in

search of a negotiated resolution of the conflict, which began in 1982. There were several incidents related to illegal harvesting of timber by Movement of Democratic Forces of the Casamance separatists as the government's security forces increased efforts to end illicit commerce. 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 were at least two reports the government or its agents committed arbitrary or unlawful killings.

On March 11, authorities charged three police officers in the death of a motorcycle driver in Fatick. The man was allegedly carrying illegal drugs when he was stopped by police. Following his arrest, the police officers allegedly took the man to the beach where they beat him to death.

On May 2, a prisoner at Diourbel prison died from severe injuries. Three police officers and a security and community outreach officer from the Mbacke police station reportedly beat him. Authorities charged the alleged perpetrators for his death.

### **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. Investigations, however, often were unduly prolonged and rarely resulted in charges or indictments.

Impunity for such acts was a significant problem. Offices charged with investigating abuses included the Ministry of Justice and the National Observer of Places of Deprivation of Liberty.

On March 24, during the first night of a nationwide curfew related to COVID-19, videos showed police swinging nightsticks at fleeing persons. Police in a statement apologized for “excessive interventions” and promised to punish officers involved.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in February of sexual exploitation and abuse by Senegalese peacekeepers deployed to United Nations Stabilization Mission in Haiti, allegedly involving an exploitative relationship with an adult. As of September the Senegalese government and the United Nations were investigating the allegation.

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

Some prison and detention center conditions were harsh and 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. On February 20, an inmate passed away at Mbour Prison. According to official reports, he suffered an acute asthma attack due to being held in an overcrowded cell holding 87 other inmates.

According to the most recent available government statistics, 31 inmates died in prisons and detention centers in 2019, six more than perished in 2018. Government statistics did not provide the cause of death. 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.

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 2015-19 had not been published by year's end.

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

Improvements: In April, President Sall pardoned 2,036 detainees as a measure to control the spread of COVID-19 within the prison system.

#### **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. In a January 2019 policy directive, the minister of justice instructed prosecutors to visit detention facilities on a regular basis to identify detainees with pending criminal dossiers to minimize use of detention for unofficial, extrajudicial purposes.

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 (see section 4, 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. A 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. A tribunal may try civilians only if they were involved with military personnel who violated military law. A 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. 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 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 noted results in lengthy detentions.

Bail was rarely available, and officials generally did not allow family access. By law defense attorneys may have access to suspects from the moment of arrest and may 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.

Arbitrary Arrest: On June 21, the Gendarmerie arrested a former civil servant after

he published an open letter to President Sall in the press denouncing Sall's alleged mismanagement of the country. Authorities released him the following day.

Pretrial Detention: According to 2018 UN statistics, 45 percent of the prison population consisted of pretrial detainees. In late 2019 the country's authorities reported the percentage to be 42 percent. 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 ordered 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 murder charges, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases pretrial detainees were held longer than the length of sentence later imposed.

On June 30, the legislature passed two laws authorizing Electronic Monitoring (EM) as an alternative to incarceration. Once operational the EM system is designed to allow criminal courts to release certain defendants awaiting trial and other first-time offenders convicted of low-risk crimes to home detention, where electronic bracelets would monitor their movements. The bracelet system is intended to relieve chronic overreliance on pretrial detention and thereby reduce the prison population.

#### **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 are 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 of executive influence over the judiciary, in particular the presence of the president and the minister of justice in the High Council of Magistrates, which manages the careers of judges and prosecutors. Members of the High Council of Magistrates previously resigned in protest, stating that the executive branch should not have the ability to interfere in judicial affairs. In August judicial authorities summarily

demoted a district court president, prompting speculation he was punished for detaining a religious leader in a criminal case. The Union of Senegalese Judges and Prosecutors published an open letter condemning the demotion and hired counsel to defend the judge on appeal. On September 2, a Dakar daily published a list of 20 magistrates it claimed had been demoted during the past decade in retaliation for unpopular court decisions. The August demotion of the district court president prompted harsh criticism of the minister of justice in media and legal circles and renewed calls for justice reform, including reconstitution of the High Council of Magistrates. Authorities respected and enforced court orders.

### **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 timely trial, to be present in court during their trial and to have an attorney at public expense if needed in felony cases (although legal commentators note provision of attorneys is inconsistent) 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 may not 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 June 15, the country's largest union of court clerks declared a strike, causing major disruption of court proceedings, including delayed trials and inaccessible court decisions and

administrative paperwork. On September 1, the union suspended the strike after the Ministry of Justice agreed to negotiate.

### **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 Economic Community of West African States Court of Justice.

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

The constitution and law prohibit such actions, and there was at least one report the government failed to respect these prohibitions.

On June 1, police arrested activist Assane Diouf after breaking down the gate of his house. Diouf broadcasted live on his Facebook page a video in which he insulted authorities, including President Macky Sall, and denounced an ongoing water shortage in the Dakar suburbs. Diouf remained in pretrial detention at year's end.

### **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 38-year-old conflict between separatists and government security forces. Both the government and various factions of the Movement of Democratic Forces of the Casamance (MFDC) separatist movement accepted mediation efforts led by neutral parties. Progress toward a political resolution of the conflict remained incremental. On June 30, the army began a campaign to bombard MFDC rebel bases in the Mbissine forest after armed MFDC rebels had reportedly attacked villages in that area. Two soldiers died from landmines during the month-long campaign and several soldiers were

injured. Since July the conflict dissipated, and no further military action took place.

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 they detained or otherwise harmed civilians.

## **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 Speech: On May 14, rapper and activist Abdou Karim Gueye received a three-month sentence for insulting the head of state, provoking an armed gathering, and insulting an officer. The activist had published a video denouncing the closure of mosques due to the COVID-19 pandemic, and calling on all Muslims to break state of emergency restrictions to pray in closed mosques. On July 8, after repeated requests for release, authorities provisionally released him.

Freedom of 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, members of President Sall's ruling party, appointed by the president, controlled all other public

media outlets including the Senegalese Press Agency and the daily journal *Le Soleil*; reporting by these outlets often carried a progovernment bias.

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship, particularly in government-controlled media. On July 8, authorities banned national press from covering the trial of activist Abdou Karim Gueye.

Libel/Slander Laws: Blasphemy and criminal defamation laws are in place and were occasionally enforced.

### **Internet Freedom**

The law 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.

### **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, except regarding lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizations. The Ministry of Interior must approve protests in advance.

### **Freedom of Peaceful Assembly**

Authorities refused to authorize several demonstrations throughout the year. Some groups also complained of undue delays in response to authorization requests for public demonstrations. Authorities systematically invoked the law that prohibits demonstrations in certain parts of downtown Dakar to ban demonstrations.

On January 18, police arrested 15 members of No Lank No Ban conducting an awareness campaign regarding an increase in electricity prices. Authorities released those arrested after 48 hours in custody.

On June 23, authorities arrested members of the *Gilets Rouge* (Red Vests) protest movement for holding an unauthorized demonstration for the release of activist

Abdou Karim Gueye.

In November 2019 police arrested Guy Marius Sagna, member of the opposition collective No Lank No Ban, for protesting an increase in electricity prices outside the gate of the presidential palace, and released him three months later. On August 10, authorities arrested him again in front of the Dakar administrator's office after he filed a request to march on August 14, charging him with participating in an illegal gathering on a public road and for unauthorized assembly. Authorities released him from custody the same day.

### **Freedom of Association**

In November 2019 authorities closed a number of LGBTI organizations after publication of a list of such organizations by a private group (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

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. Status and Treatment of Internally Displaced Persons**

During the 38-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. Refugees and internally displaced persons continued to return to their villages.

## **f. Protection of Refugees**

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.

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 avoid deporting someone 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 Mauritanian refugees have indicated a desire to remain in the country permanently.

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.

## **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: In February 2019 President Macky Sall secured reelection, 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.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. The 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 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. Women elected to office often face additional pressure to maintain traditional subservient gender roles, making it difficult to confront male leadership and domination within the political sphere.

#### **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 (OFNAC) 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 Ministry. In January, OFNAC released long overdue reports on its activities for 2017 and 2018 and swore in six new executive-level officials, bringing its managing board to a full complement for the first time in several years. Reports of corruption ranged from rent seeking by bureaucrats involved in public approvals, to opaque public procurement, to corruption in the judiciary and police. Some high-level officials in President Sall's administration were allegedly involved in corrupt dealings. The government made some progress in its anticorruption efforts, mounting corruption investigations against several public officials (primarily the president's political rivals) and secured several convictions (see section 1.d.).

**Financial Disclosure:** The law requires the president, cabinet ministers, the speaker and chief financial officer of the National Assembly, and managers of public funds in excess of one billion CFA francs (\$1.8 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. On July 13, President Macky Sall gave a one-month ultimatum to government ministers to follow OFNAC guidelines related to the declaration of assets. All except one complied by the deadline.

### **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 but does not address the gender of victims. The law also does not address spousal rape. An amendment to the penal code passed in December 2019 increased the penalties for rape, child abuse, and pedophilia. It received widespread grassroots support from women's and civil society groups outraged by egregious incidents of rape. Offenders that previously received five to 10-year sentences faced 10 to 20 years in prison, with possible life sentences in aggravated situations. Experts noted the government should train more gynecologists and psychologists to assist victims and raise awareness of the law among key actors in society, including police, judges, religious leaders, and media.

The government did not fully enforce existing laws, particularly when violence occurred within families. Although domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years, and life imprisonment for murder, 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, noted 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 noted 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 undertake 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 child, early, and forced marriage as well as to street children.

On February 20, a judge placed a Quranic teacher in custody for the alleged rape of minors younger than 13 years, following accusations that he abused a number of young students attending his religious school.

Female Genital Mutilation/Cutting (FGM/C): The law provides criminal penalties for the perpetration of FGM/C on women and girls, but authorities prosecuted no cases. FGM/C was practiced in the country with an average prevalence of 25 percent, with dramatic variation across regions and ethnic groups, including rates as high as 80 percent in some regions, according to UNICEF and local surveys.

Sexual Harassment: The law mandates prison terms of five months to three years and modest to substantial fines 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 on the part of government authorities.

Discrimination: The law provides for the same legal status and rights for women as for men, although there are legal restrictions on women in employment,

including limitations on occupations and tasks but not on working hours. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance were strongest.

The law's definition of paternal rights also remained an obstacle to equality between men and women. The law 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 may 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. Discriminatory laws and policies also limited women's access to and control over capital.

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

## **Children**

Birth Registration: Citizenship is acquired by birth on national 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 ages six and 16, although approximately one-third of these children did not attend school. Some did not attend for religious reasons. While children generally could attend primary school without a birth certificate, they needed one to take national exams. 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 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 constituted 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 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 religious schools). At some *daaras*, Quranic instructors exploited, physically abused, and forced children to beg on the street. According to Human Rights Watch in 2019, more than 100,000 students lived in *daaras* across the country.

On February 18, an age 13 Quranic school student in Louga died after being severely beaten by his Quranic teacher. Authorities neither investigated nor brought charges against the teacher.

Child, 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 women's rights groups and officials from the Ministry of Women, Family, and Gender, child, early, and forced 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. According to UN Population Fund statistics, 33 percent of women were married before age 18, and 12 percent before age 15.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation, sale, and offering or procuring of children for prostitution and practices related to pornography. Sexual abusers convicted of trafficking of children receive five to 10 years' imprisonment and a fine. If the offender is a family member, the maximum is applied. Procuring a minor for prostitution is

punishable by imprisonment for two to five years and modest to substantial fines. 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 authorities, they conducted follow-up investigations. The minimum age of consensual sex is 18.

Pornography involving children younger than age 16 is considered pedophilia and punishable by up to two years' imprisonment and a fine.

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, 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 continued to be a problem, usually due to poverty or embarrassment. 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. 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. In May the Ministry of Women, Family, Gender, Children, and Social Protection launched a third phase of its "Zero Enfants Dans La Rue" (No Children in the Street) project. It sought to remove 10,000 street children in Dakar by returning them to their families. The one billion CFA francs (\$1.8 million) program also sought to remove an additional 10,000 from other regions.

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.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 were 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.

## **Members of National/Racial/Ethnic Minority Groups**

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, Criminalization, 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; 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; authorities sometimes condoned or tolerated these abuses. LGBTI activists also complained of discrimination in access to social services. The government and cultural attitudes remained heavily biased against LGBTI individuals.

In October 2019 cemetery authorities in Touba refused to authorize the burial of a man in the Bakhia cemetery based on a report of the deceased’s LGBTI status.

In November 2019 a prominent anti-LGBTI organization published a list of LGBTI associations and their leadership who had received nongovernmental organization status from the government. Publication of the list created widespread public backlash against those organizations, resulting in authorities closing them.

### **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 may 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) may not join a union without parental authorization. The state prosecutor may 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, certain regulations restrict this right. According to labor activists, the constitution 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 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 "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. The government did enforce applicable laws. Penalties were commensurate with those for similar offenses.

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.

### **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 with certain practices, however, 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. Penalties for forced labor were commensurate with penalties for other serious crimes.

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 by children 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 sometimes sugar or rice) set by their teachers. The National Antitrafficking Task Force and Child Protection Special Unit continued to address these matters throughout the country. When officials identified a potential forced begging case, however, they often did not prosecute according to previously mandated minimum sentencing guidelines.

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**

Regulations on child labor set the minimum working age at 15, with work considered “hazardous” prohibited until age 18. The law prohibits many forms of hazardous child labor but includes exceptions. In the agricultural sector, for example, children as young as age 12 are permitted to work in a family environment. The law also allows boys younger than age 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.

Inspectors from the Ministry of Labor are responsible for investigating and initiating lawsuits in child labor cases. The ministry’s investigators may visit any institution during work hours to verify and investigate compliance with labor laws and may act on tips from trade unions or ordinary citizens. Penalties for child labor were often unenforced and were not commensurate with penalties for other serious crimes.

The Ministry of Labor sent investigators to investigate formal workplaces, but they were not adequately trained to deal with child labor problems. The Child Labor Division in the Ministry of Labor was understaffed. Inspectors did not adequately 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 efforts 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 instances of child labor 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, where up to 90 percent of children worked. 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 ages 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.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/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. Penalties were commensurate with penalties for comparable 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, although women faced some restrictions on occupations and tasks. 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, or approximately 2,100 hours per year, 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. Night work is defined as activity between 10 p.m. and 5 a.m.; night workers should receive a supplementary rate of 60 percent for any night hours worked and 100 percent for any night hours worked on holidays. 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 refer proposals 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 labor standards were not regularly enforced and were insufficient to deter violations. Penalties were commensurate with penalties for comparable violations. 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. Labor inspectors had the authority to hold unannounced inspections and impose penalties. 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 nominal right to remove themselves from situations that endangered health or safety. According to *Conseil National du Patronat* (National Employers Council) statistics, there were 1,700 cases related to workplace accidents in 2017 compared with approximately 1,900 cases in 2016 (the majority of which took place in Dakar); labor activists claim that number was low since the official statistic does not take into account the large number of workplace accidents in the informal sector.