



## 2008 Human Rights Report: Senegal

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Senegal, with an estimated population of 12.5 million, is a moderately decentralized republic dominated by a strong executive branch. In February 2007 Abdoulaye Wade was reelected president in an election generally viewed as free and fair despite sporadic incidents of violence and intimidation. In June 2007 the ruling Senegalese Democratic Party (PDS) won the majority of seats in National Assembly elections that were boycotted by the leading opposition parties. However, international observers characterized the elections as generally free and transparent. Civilian authorities generally maintained effective control of the security forces.

The government generally respected citizens' rights; however, there were problems in some areas, including: inhuman and degrading treatment of detainees and prisoners; overcrowded prisons; questionable investigative detention and long pretrial detention; corruption and impunity; limits on freedoms of speech, press, and assembly; domestic violence, rape, sexual harassment, and discrimination against women; female genital mutilation (FGM); child abuse, child marriage, infanticide, trafficking in persons, and child labor.

Rebels from the Movement of Democratic Forces of Casamance (MFDC) and a splinter group, the Movement for the Liberation of the People of the Casamance, killed civilians, committed robberies, and harassed local populations while fighting each other.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

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

Neither the government nor its agents committed any politically motivated killings. Unlike previous years, there were no reports of arbitrary killings by security forces.

There were no developments in the following 2007 cases: the January killing of a young man by a police officer in Diourbel; the April death in police custody of Dominique Lopy in Kolda; the June killing of Cheikh Ahmet Tidian Fall by customs officers in Mbour; the July killing of Abdoulaye Seck in Bignona; and the December death in police custody of Badara Diop in Kaolack. The December 2007 killings of Mamadou Sakho Badji and the government's special advisor for the Casamance peace process, Cherif Samesidine Nema Aidara, were still under investigation at year's end; one suspect remained in pretrial detention.

During the year the Criminal Investigations Division (DIC) did not release the results of the 2006 investigation into the police killing of a merchant in Dakar, and no action was taken against those responsible.

According to statistics from Handicap International, there were four separate landmine accidents in the Casamance region during the year which resulted in one killing and four injuries. The killing occurred on May 1, when a

passenger vehicle from Sindian traveling to The Gambia hit a landmine near the village of Toukara. There were no government efforts to remove landmines during the year.

During the year MFDC rebels reportedly attacked civilians and committed highway robberies in the Casamance.

On May 15, MFDC rebels allegedly shot at a group of villagers harvesting in Camaracounda, resulting in the death of Frederic Mendy.

On May 20, fighting between MFDC rebels and soldiers in the village of Niassaran (Djibidione) north of Ziguinchor resulted in the deaths of two soldiers. Local media reported at least seven rebels also died in the attack.

On July 22, armed men attacked dozens of cars and robbed passengers between Teubi and Tobor, north of Ziguinchor, killing one passenger.

On December 23, Mamdaou Sinna Sidibe was shot and killed during a violent riot to protest poor living conditions and lack of jobs in the mineral-rich region of Kedougou. An investigation into his death was ongoing at year's end.

There were no developments in the January 2006 case of MFDC rebels killing the subprefect of Diouloulou.

Suspects had not been identified by year's end in the December 2006 kidnapping and killing of Oumar Lamine Badji, president of the Regional Council of Ziguinchor.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

The government did not take any action to resolve older cases of disappearances, particularly in the Casamance, linked to government security forces.

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

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

Human rights groups noted examples of physical abuse committed by security forces, including cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip-search and other interrogation methods. Police also reportedly forced detainees to sleep on bare floors, directed bright lights at their pupils, beat them with batons, and kept them in cells with minimal access to air. During the year authorities took no action against police involved in these abuses.

Human rights organizations highlighted the lack of supervision and impunity with which security forces treated persons in police custody. The African Assembly for Human Rights (RADDHO) continued to demand prosecutions for the deaths of two suspects in police custody in 2007. During the year they also denounced the abusive treatment inflicted by gendarmes in Dakar on the city's former mayor, Mamadou Diop, who indicated that he was stripped and made to lie on a stone floor.

Human rights organizations reported cases of torture by security forces following a riot in the city of Kedougou on December 23. According to nongovernmental organization (NGO) reports, security force members wearing masks broke into homes of suspects, beat, arrested, and subjected persons to long interrogations. Physical evidence of

suspects' beatings was displayed during their trials; however, the court dismissed the allegations of torture made by attorneys.

On May 7, in Camaracounda, armed men allegedly belonging to the MFDC mutilated 16 persons by cutting off one ear of each as punishment for harvesting in the forest occupied by rebels.

On July 23, the National Assembly and the Senate jointly amended the constitution to allow retroactive prosecution of genocide and crimes against humanity. On July 29, the National Assembly passed a law introducing new provisions in the Code of Criminal Procedure whereby defendants have the right to appeal in a case heard before the Court of Appeals and juries were replaced with magistrates. These legal provisions lifted the last obstacles to the prosecution of former Chadian dictator Hissene Habre on charges of torture and crimes against humanity. Habre has lived in exile in the country for 19 years. During the year authorities appointed judges to investigate the Habre case; however, in mid-October, the government stated Habre's prosecution could not take place without international donor funding. No further government action was taken by year's end.

An increase in alleged rebel attacks in the Casamance on vehicles was noted during the year. These attacks resulted in injuries and theft of money, jewelry, and cell phones. No arrests were made during the year.

There were several cases of mob violence. Due to a weak judiciary and widespread impunity, civilians often administered punishment by beating presumed thieves before handing them over to security forces.

#### Prison and Detention Center Conditions

Prison and detention center conditions were poor, in part because no prisons have been built since the colonial era. The National Organization for Human Rights (ONDH) identified overcrowding and lack of adequate sanitation as major problems. Dakar's Central Prison, which had a maximum capacity of 700 persons, held approximately 1,400, while the penal camp in Dakar, which had a capacity of 400, held an estimated 800 detainees. To alleviate overcrowded prisons in Dakar, authorities transferred some prisoners to Thies, which resulted in overcrowded prisons in that city. Human rights activists noted that Niore Prison was severely overcrowded and resembled "a chicken coop" more than a prison. Detainees in Diourbel were sometimes held in a former horse stable; detention conditions in Tambacounda were also extremely poor.

Prisons lacked doctors and medicine. The ONDH reported a national ratio of one doctor per 5,000 inmates and that the government spent only 450 CFAF (approximately \$1) a day per inmate to cover all costs including medical care. There was one mattress for every five detainees. Due to an old and overburdened infrastructure, prisons experienced drainage problems during the rainy season and stifling heat during the summer. Prisons also were infested by bugs, and prisoners suffered sexual assault and extremely low quality food.

As part of a three-year investment plan, government funds were provided to prisons for renovations and refurbishment. During the year Dakar's central prison received new mattresses and inmates were able to create more space by building bunk beds. The ONDH, which visited six prisons during the year, reported that the Diourbel Prison also received new mattresses. The ONDH also noted that, for the first time, prison inspectors were recruited from penitentiary officers, which resulted in prison personnel attaining the same level of law enforcement authority as the police and gendarmes.

Human rights organizations highlighted that some children, who committed crimes or who were found by police late at night in the street, were kept in custody for long periods because their parents could not be located or identified.

Local NGOs reported that prisoner separation regulations were not always enforced. Pretrial detainees were

occasionally held with convicted prisoners, and juveniles were occasionally held with adults.

Local NGOs reported that the rape of female prisoners was a serious issue not addressed by government authorities during the year.

During the year the government permitted prison visits by local and international human rights groups, which also provided humanitarian support to inmates.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, authorities at times arbitrarily arrested and detained persons. Human rights groups described arbitrary detention as a growing problem.

#### Role of the Police and Security Apparatus

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The police force includes 10 departments which constitute the Directorate General of National Safety. In each of the country's 11 regions, there is at least one police station and at least one mobile safety brigade. Dakar has more than 15 police stations. The police force effectively maintained law and order.

Impunity and corruption were problems. An amnesty law covers police and security personnel involved in "political crimes," except those who committed assassinations "in cold blood."

According to human rights groups, attorneys, and victims, security forces regularly extorted money from detainees in exchange for release and from prostitutes to overlook noncompliance with prostitution regulations and other.

The DIC is in charge of investigating police abuses. According to human rights groups, new members of the police force received training in human rights protection.

#### Arrest and Detention

Although the law specifies that warrants issued by judges are required for arrests, in practice police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods of time before filing formal charges. The DIC may hold persons up to 24 hours before releasing them. Many detainees were not promptly informed of the charges against them. Police officers, including DIC may double the detention period from 24-48 hours without charges, but they must obtain authorization from the prosecutor. Investigators can request that a prosecutor double this period to 96 hours. For cases involving claimed threats to state security, the detention period can be further doubled. Thus, someone accused of plotting to overthrow the government or undermining national defense can be held up to 192 hours.

The detention period does not formally begin until authorities officially declare that an individual is being detained, a practice human rights groups criticized for resulting in unjustly long detention periods. Bail is rarely available. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family; however, family access was not generally allowed. The accused has the right to an attorney at the accused's expense after this initial period of detention. Attorneys are provided at public expense to all criminal defendants who cannot afford one. A number of NGOs also provided legal assistance or counseling to those charged with crimes.

The government used security forces, especially the DIC, to harass journalists and arrest political opponents and civil society leaders (see section 2.b.).

Judicial backlogs and absenteeism of judges contributed to long pretrial detention periods. The law states that an accused person may not be held in pretrial detention for more than six months for minor crimes; however, persons were routinely held in custody until a court demanded their release. Despite the six-month limit on detention for most crimes, the average time between charging and trial was two years. In many cases persons are freed without charges being filed. In such circumstances there is no compensation paid by the state.

In cases involving murder, threats to state security and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases, but may order release pending trial with the prosecutor's consent. If a prosecutor opposes release, the order is frozen until an appeals court decides whether to grant release. Under the law, the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security, murder and embezzlement. However, since judges lacked sufficient time to review all cases, orders to extend detention were often signed without consideration of the facts to avoid releasing potentially guilty detainees.

During the year the Supreme Court heard an ONDH case regarding 23 detainees who had been held in pretrial detention between two and six years for felonies including murder, gang rape, robberies, and criminal conspiracies. The Supreme Court released six detainees and sentenced the remaining 18 to various jail terms.

#### 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 continued to publicly criticize their working conditions, including overwhelming case loads, lack of equipment, and inadequate transportation. Magistrates also openly questioned the government's commitment to judicial independence.

After a long hiatus, the High Council of the Magistrature met during the year and made several decisions including the appointment of the head of the new Supreme Court. Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. In July the constitution was amended to reintroduce a Supreme Court. The new Supreme Court is the final court of appeal for all judicial and civil cases and is the highest judicial institution. Other components of the judiciary include the Constitutional Council, which has jurisdiction over all constitutional and electoral issues, and the Accounting Court that has jurisdiction on financial and budgetary affairs.

In July the Cour d'Assises was also reformed. It is a specialized court attached to the Court of Appeals, which meets twice a year to prosecute felony cases. Jurors were eliminated from the Cour d'Assises so that only judges deliberate on the cases. It is possible to appeal verdicts of the Cour d'Assises.

The High Court of Justice presides over cases against senior government officials concerning acts committed in an official capacity. The court has the authority to convict and sentence or acquit. It is composed of eight national assembly deputies and one judge. The National Assembly elects the eight deputy members of the High Court and eight substitutes, at the beginning of each session. Three-fifths of all deputies must vote to pass a resolution to permit prosecution of a head of state or minister. If a resolution is so passed, the High Court can convene.

While civil court judges preside over civil and customary law cases; plaintiffs can also bring disputes involving

family matters to religious judges, who act as advisors. Religious law has been incorporated into the country's laws. Individuals and companies can also refer commercial disputes to arbitration courts and some citizens still rely on tribal leaders to settle family and community disputes.

The Regional Court of Dakar includes a military tribunal, which has jurisdiction over crimes that are military in nature. 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.

#### Trial Procedures

All defendants have the right to a public trial, to be present in court, confront witnesses, present evidence and witnesses, and have an attorney in felony cases.

Evidentiary hearings may be closed to the public and the press. Although defendant and counsel may introduce evidence before the investigating judge who decides to refer a case for trial, they do not always have access to all evidence presented prior to trial. Access to evidence may be limited by police who want to protect their informants. A panel of judges presides over ordinary courts in civil and criminal cases since trials by jury were eliminated by a law passed on July 28. Defendants are presumed innocent. The right of appeal exists in all courts, except for the High Court of Justice. All of these extend to all citizens.

#### Political Prisoners and Detainees

On October 10, the government arrested five members of the Socialist Party for distributing pamphlets in front of the National Assembly. The detainees were held for eight days on charges of unlawful gathering, before they were granted bail. On October 22, a judge on the regional court of Dakar dismissed the case. There were no other known 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. Administrative remedies also can be sought by filing a complaint with the High Commission for Peace and Human Rights based in the Office of the President. However, corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems in enforcing court orders, since the government can ignore court orders without legal consequences.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice; however, human rights organizations stated that illegal phone monitoring by security services was common practice.

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

##### Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government limited these rights in practice, and security forces and politicians intimidated or harassed journalists during the year. Journalists

also practiced self-censorship.

Individuals could generally criticize the government publicly or privately without reprisals.

There were several independent and three government-affiliated, newspapers. Due to high illiteracy rates, radio was the most important medium of mass information and source of news.

There were approximately 80 community, public, and private commercial radio stations. Although an administrative law is in place to regulate radio frequency assignments, community radio operators claimed there was a lack of transparency in the allocation of frequencies. Radio stations were often controlled by a single religious, political, or ethnic group.

Although the government continued to maintain a monopoly on locally televised information and opinion through Radio Television Senegal (RTS), three privately-owned television channels broadcast during the year. Under law the government must hold a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the 12-person RTS executive staff. Several human rights and journalist groups criticized the fact that some religious leaders were able to broadcast on government-controlled TV and radio without charge, while other groups were obliged to pay.

Government failure to enforce regulations on establishing media outlets and government-provided media assistance resulted in an increase of unprofessional or politicized media. Journalists and human rights groups maintained that some media outlets--such as the dailies Express News and Le Messenger and FM radio stations Anur and RMD--were created solely to refute antigovernment criticism.

Journalists continued to criticize government efforts to control media content by selectively granting or withholding state subsidies, which were given to both government-affiliated and private independent media. The government frequently used subsidies, and in a few cases threats and intimidation, to pressure the media not to publicize certain issues.

The international media were active and expressed a wide variety of views without restriction.

During the year a number of journalists were intimidated, beaten, and jailed, leading to a two-month period of demonstrations against the government by media organizations. In addition there was growing concern about the culture of impunity for crimes and threats by government and religious leaders against journalists.

On April 10, Madiambal Diagne, publisher of the weekly magazine Weekend, filed a complaint after receiving death threats from Mouride disciples over an interview with one of the wives of Caliph-General Serigne Bara Mbacke. No one was charged by year's end.

On April 16, in Dakar, police forcibly entered independent television station Wal Fadjiri and terminated its live broadcast of a demonstration by the Consumer Association. The police seized the television station's videotapes without a court order.

On April 18, PDS political leader Moustapha Cisse threatened to shoot Ibrahima Benjamin Diagne, a reporter for the Diourbel-based Radio Disso FM station, after a listener criticized Cisse during a radio talk show.

Following the June 1 national political dialogue known as Les Assises Nationales, the government threatened to punish all those who attended, including members of the diplomatic corps. The dialogue was organized by political opponents of the government and included a number of civil society members seeking political reforms.

On June 3, President Wade threatened Yakham Mbaye, editor of the daily newspaper Le Populaire. Mbaye had tried to question the president during a press conference at an international World Food Security conference in Rome.

On June 13, Caliph-General Serigne Bara Mbacke, the Mouride Brotherhood leader, grabbed reporter Babou Birame Faye of the Weekend magazine in the region of Diourbel. Caliph Mbacke was reportedly unhappy with a report about his private life. Some of his disciples attempted to beat Faye, but the caliph stopped them. Although not injured, Faye was intimidated with the threat of possible further reprisals by the caliph's disciples. The caliph later apologized and the journalists' union refrained from filing a complaint against him.

On June 21, police attacked Boubacar Campbell Dieng and Karamokho Thioune, journalists of Radio Futurs Media and West Africa Democracy Radio respectively, after a soccer match at Senghor stadium in Dakar. The attack occurred in an area where the media was allowed to interview players. There were no investigations or charges filed against perpetrators by the end of the year.

On August 7, the minister of transportation threatened to beat a journalist from the daily newspaper Walf Grand-Place after the journalist reportedly accused the minister of lying about his educational degree. On August 17, 12 men led by the driver of the Minister of Air Transportation, Farba Senghor, invaded and ransacked the premises of 24 Heures Chrono and L'As, two privately owned Dakar-based daily newspapers. The men were later sentenced to jail terms of between five to six years. They appealed the sentencing, but there were no further case developments by year's end. On August 28, Senghor resigned his post; no charges had been filed against him by year's end.

On August 28, the police closed down the office of 24 Heures Chrono, arrested editor-in-chief El Malick Seck, and seized the August 28th edition of the publication. The newspaper had published an old, vaguely sourced story claiming the president and his son Karim had been involved in laundering money stolen from the Central Bank for West African Countries. On September 12, the court found Seck guilty of "disseminating false news" and "public insult." Seck received a three-year prison term, which he appealed, and the newspaper was suspended for three months. The newspaper did not resume publishing by year's end and there were no further developments in the Seck case by year's end.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet service providers and an estimated 2.3 million subscribers, the country had extensive online access. Cyber cafes were numerous in Dakar and often found in provincial centers. Approximately 60 percent of the country, however, was not connected to the country's electrical grid.

#### Academic Freedom and Cultural Events

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

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

##### Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government interfered with this right in practice. During the year the government repeatedly denied public permits for civil society and opposition demonstrations. Opposition groups complained of undue delays when waiting for a government response to

authorization requests.

On March 30, in Dakar, police beat and detained Momar Ndao and Jean Pierre Dieng, leaders of the Consumer Association, following a protest staged by their organization to demand that the government lower the prices of certain commodities. On April 16, Ndao and Dieng were prosecuted and each received a one-month suspended sentence.

During the year police used excessive force to disperse unauthorized demonstrations, resulting in injuries. No action was taken against the perpetrators.

On July 28, gendarmes opened fire against demonstrators in Marsassoum, in the region of Sedhiou, injuring 10 persons. The demonstrators had blocked roads to pressure central government authorities to grant their area higher priority in the ongoing decentralization process.

There were no developments in the April 2007 killing by Kolda police of Dioutala Mane, who had been participating in a demonstration against the death of Dominique Lopy in police custody.

During the year there was no action taken against the Ziguinchor riot police who beat seven female elementary teachers in May 2007.

During the year no action was taken against police who beat with clubs a group of disabled former servicemen in September 2006.

#### Freedom of Association

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

#### c. Freedom of Religion

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

Any religious group seeking to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

Unlike other religious groups, Muslims have the right to choose Muslim-based laws contained in the family code for marriage and inheritance cases. Civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious leaders for adjudication, particularly in rural areas.

Muslims and Christians continued to enjoy harmonious relationships. On September 26, Muslims and Christian leaders led a joint prayer to commemorate the anniversary of the sinking of the ferry Joola.

During the year the Agency for the Organization of the Islamic Conference (ANOCI) provided support to mosques damaged by floods and built a parking lot for Dakar's main Christian cemetery. The government provided some financial support for both Muslim and Christian pilgrimages.

#### Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were approximately 120 resident Jews in country; there were no reports of anti-Semitic activities during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

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

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and stateless persons.

Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, this law was not generally enforced.

The constitution and law prohibit forced exile, and the government did not employ it.

Some local leaders advised NGOs to gauge MFDC reaction in the Casamance region before undertaking projects or traveling in areas with a strong rebel presence. Military check points were still erected by the army, but no restriction of movement was noted. Highway robberies deterred many from traveling by road.

#### Internally Displaced Persons (IDPs)

During the 23-year-old Casamance conflict, tens of thousands of persons have left villages in the region due to fighting, forced removal, and landmines, and many persons were reportedly displaced during the year in the region. The government estimated that there were approximately 10,000 IDPs in the Casamance. Some IDPs who attempted to return to their villages met hostility from MFDC combatants in rural communities south of Ziguinchor. On March 16, MFDC forces reportedly detained for three days 12 IDPs who had returned to their village of Mbissine to prepare their land for farming.

#### Protection of Refugees

The law provides for the granting of refugee or asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Since the president must approve each case, delays of one to two years in granting refugee status remained a problem. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government generally granted refugee status or asylum, and provided refugees with food and nonfood assistance.

The government violated the rights of some asylum seekers by not offering them due process or security since appeals filed by denied asylum seekers were examined by the same committee that examined their original cases, and a denied asylum seeker can be arrested for staying illegally in the country. Those arrested sometimes remained in "administrative detention" for up to three months before being deported.

Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However,

most refugees could not obtain refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. On January 29, UNHCR began a repatriation program of Afro-Mauritians from the country to Mauritania, resulting in approximately 5,000 persons returned during the year. In addition the government continued to permit generally unsupervised and largely informal repatriation.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right in February presidential elections and June legislative elections. For the first time, military and paramilitary forces were allowed to vote.

#### Elections and Political Participation

The National Assembly postponed local elections that were scheduled for May to March 2009.

In February 2007 President Wade was reelected to a second term with approximately 55 percent of the vote, which ensured him a first round victory over 14 other candidates. International observers declared the voting to be generally free and fair; however, there was preelection violence and irregularities, especially in the issuance of voter cards. Noting that numerous persons voted multiple times and that voter registration cards were deliberately issued late in non PDS-dominated areas, many opposition parties did not accept the election results. The parties petitioned the Constitutional Council to void the election; however, the council rejected their petition. In the June 2007 legislative election, President Wade's PDS coalition won 131 of 150 seats. International observers declared the elections to be generally free and fair. Opposition parties, organized under the umbrella organization "Front Siggil Senegal," boycotted the elections, resulting in a historically low turnout of 34.7 percent. Senate elections were held in August 2007 after a January 2007 law reestablished the Senate. Thirty five senators are indirectly elected by local officials and members of parliament; the remaining 65 senate seats are filled by the president. The PDS won 34 of the 35 contested seats. The main opposition parties boycotted the elections, since the majority of senate seats are appointed.

The 100 registered political parties operated without restriction or outside interference.

At year's end there were 34 women in the 150-seat National Assembly and five women in the 31-member cabinet. Only 13 percent of locally elected leaders were women. The 100-member Senate included 37 women. Women's groups argued that the current apportionment of Senate seats should be declared unconstitutional, as the constitution states that two-fifths of seats should be allocated to women.

There were approximately 39 members of minority groups in the 150-seat National Assembly and an estimated 12 members in the 39-member cabinet.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and officials often engaged in corrupt practices with impunity.

The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a serious problem, and there was widespread public perception of government corruption. The perception was exacerbated by officials granting themselves salary increases, vehicles, and land over the last few years to National Assembly deputies and civil servants at all levels.

The National Commission to Fight Non-Transparency, Corruption, and Government Fraud had no authority to investigate or prosecute. It remained inefficient in fighting corruption, and no government officials were prosecuted for the crime. However, on July 28, the government passed a law giving commission members financial benefits and extending their terms of office for another six years from 2007.

In July President Wade circulated a petition calling for the resignation of the National Assembly President Macky Sall. Sall, who previously served as prime minister, had supported a call for the president's son, as the head of ANOCI, to testify about the use of funds for infrastructure. Wade's petition was unsuccessful in removing Sall; however, in October the National Assembly passed a bill reducing the tenure of office of the National Assembly presidency and voted to dismiss Sall. Sall subsequently resigned from the PDS ruling party and created a new political party called the Alliance for the Republic.

The 2006 case of Pape Malick Ndiaye was still pending at year's end, although Ndiaye was freed on bail in January 2007 and remained free at year's end. Ndiaye was originally charged with libel and fraud for accusing Abdoulaye Balde, the Secretary General of ANOCI, of taking a kickback related to ANOCI-related public works.

The constitution and law provide citizens the right to access government information freely; however, the government rarely provided access in practice.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their findings. However, some human rights organizations alleged that their telephones were regularly tapped during the year.

Local independent NGOs included Tostan, the Committee to Combat Violence Against Women and Children (CLVF), ONDH, RADDHO, Terre des Hommes International Federation, and Plan International Senegal.

The government's National Committee on Human Rights (NCHR) includes government representatives, civil society groups, and independent human rights organizations. The NCHR has the authority to investigate abuses; however, it lacked credibility since it was poorly funded, did not meet regularly, and did not conduct investigations or release a report during the year.

According to the NCHR, the government met regularly with civil society and human rights NGOs to discuss topics including discrimination (racial, gender, and religious), migration, and domestic violence. The government was somewhat responsive to inquiries by NGOs and held meetings with them to discuss rights issues such as torture, domestic violence, and the Hissein Habre case.

Death threats against leaders of opposition political parties, unions, journalists, NGOs and even a senior official were common and generally were believed to originate in circles close to the ruling party.

Although the government did not prevent visits by international organizations, no such visits were reported during the year.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that men and women are equal under the law and prohibits all forms of discrimination.

However, gender discrimination was widespread in practice, and antidiscrimination laws often were not enforced.

#### Women

Rape was a widespread problem, while spousal rape remained difficult to quantify since it was a taboo subject and very seldom reported. The law prohibits rape, but not spousal rape; however, the government rarely enforced the law. A women's rights NGO criticized the country's lack of rape shield laws which allow the common practice of using a woman's sexual history to defend men accused of rape. Prosecutions for rape remained minimal since judges seldom have sufficient proof that rape occurred, especially when rape happens within a family. It is common to settle rape cases out of court to avoid the publicity and costs associated with prosecution. Ministry of Justice statistics estimate that 47 percent of accused rapists go unpunished and released without going to trial. According to APROFES, a women's NGO, there were 195 documented cases of rape and sexual abuses during the year.

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the NGO CLVF reported a rise in violence against women during the year. Violence against women is against the law, but the law was not enforced. The law criminalizes assaults and provides for a punishment of one to five years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years; if an act of domestic violence causes death, the law prescribes life imprisonment. The CLVF criticized the failure of some judges to apply the law, citing cases where judges claimed lack of adequate evidence as a reason to issue lenient sentences.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. There were no statistics available on the number of abusers prosecuted under the law. The CLVF indicated that the availability of more shelters and its successful campaign to sensitize women to their rights resulted in a substantial increase in reports of domestic violence.

Organizations combating violence criticized the government's failure to permit associations to bring suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women.

There were no government programs to combat domestic violence during the year.

Although soliciting customers is illegal, prostitution is legal if individuals are at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections. NGOs working with prostitutes claimed that police targeted prostitutes for abuse and extortion. There were arrests of illegal foreign prostitutes, underage prostitutes, and pimps during the year. Evidence suggested foreign prostitutes' entry into the country was professionally organized.

The law mandates prison terms of five months to three years, and fines of 50,000 to 500,000 CFAF (approximately \$100 to \$1,000) for sexual harassment; however, the practice was common. The government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present sufficient proof to secure prosecutions.

Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits marriage for girls younger than 16, although this law was not enforced in some communities where marriages were arranged. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age of consent. Women typically married young, usually by the age of 16 in rural areas.

Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny and rules of inheritance, were strongest. According to the law, a woman's approval is required for a polygynous union, but once in such a union, a woman need not be notified nor give prior consent for the man's subsequent marriage. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of family when the father formally renounces his authority before the administration. This makes it particularly difficult for the 20 percent of families that are supported and led by women. Problems in both the law and traditional practices also made it difficult for women to purchase property.

Women represented 52 percent of the population, but performed 90 percent of domestic work and 85 percent of agricultural work.

#### Children

The government was somewhat committed to children's rights and welfare. The Ministry of Women's Affairs, Family, Social Development, and Women's Entrepreneurship was responsible for promoting children's welfare and was assisted by the health, education, and labor ministries.

The law provides for free education, and education is compulsory for all children ages six to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to efforts of the government, NGOs, and international donors, primary school enrollment reached 82.3 percent during the year.

The highest level of education attained by most children was primary school. The middle school enrollment rate was 31.9 percent, and the secondary school enrollment rate was 10.9 percent. During the 2006-07 academic year, more girls than boys were enrolled in elementary school; however, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters rather than sons from school. Only 23 percent of women and girls over 15 years of age were literate, compared with 43 percent of men. However, this differential is decreasing as a result of a UNICEF program, currently active in Tambacounda, Kolda, and Ziguinchor, to enroll girls in schools. A foreign government supported a middle school construction program to increase girls' enrollment.

The government took steps to provide religious education classes in the formal school system as an alternative to parents sending their children to Koranic schools, where trafficking in the form of forced begging often occurred. The government also has a program to provide education and social services to at-risk children.

Child abuse was common. Easily observable were the many poorly dressed, barefoot young boys, known as talibes, begging on street corners for food or money for their Koranic teachers, known as marabouts. These children were exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely known and discussed. A 2007 joint study by UNICEF, the International Labor Organization (ILO), and the World Bank identified 7,600 child-beggars in the Dakar area. Most of these children were around 10-years-old, although some as young as two were reported. In general they were undernourished and prone to sickness. Since they beg full time they devote almost no time to Koranic studies, and are forced to give the proceeds of their begging to their teachers. The average that each child was expected to collect per day was 400 CFA (approximately \$0.80).

On July 3, a marabout severely beat an eight-year-old talibe for collecting less than the daily quota. Police arrested the marabout and he was prosecuted on October 2; he received a five-year sentence in November.

The law punishes sexual abusers of children with five to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for two to five years and in certain aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to 4 million CFAF (approximately \$575 to \$7,600). However, the law was not effectively enforced in general.

There were periodic reports of child rape and pedophilia. On March 6, a 13-year-old girl was raped in Keur Massar and, on May 17, a nine-year-old girl was kidnapped, raped, and abandoned in Guediawaye. In both cases the alleged perpetrators were arrested by the police; however, neither had been tried by year's end.

On October 3, an individual named Abdoulaye Wade, who was reportedly mentally ill, raped and killed an 11-year-old girl in Dakar. Wade was subsequently beaten to death by a local mob.

On October 12, a 14-year-old girl was killed by her uncle in Ziguinchor. The man was arrested and was awaiting trial at year's end.

The media reported that on October 18, a man reportedly posing as a police officer raped a 17-year-old girl in Dakar. No arrest was made by year's end.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. A women's rights NGO stated that, of all cases of violence committed against girls, paternal incest was increasing the fastest.

The NGO Tostan and UNICEF estimated that FGM was practiced in thousands of villages throughout the country. Some girls were as young as one when FGM was performed on them. Almost all women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnicities, particularly in rural and some urban areas.

FGM is a criminal offense under the law, carrying a prison sentence of six months to five years for those directly practicing it or ordering it to be carried out on a third person. However, many persons still practiced FGM openly and with impunity. The government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with the NGO Tostan and other groups to educate people about its inherent dangers. Tostan reported that 3,307 out of an estimated 5,000 communities had formally abandoned the practice by year's end. According to Tostan the movement to abandon FGM accelerated, with 60 percent of previously FGM-practicing communities in the country ending the harmful practice.

Family ministry officials and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas, although child marriage is against the law. Girls, sometimes as young as nine-years-old, were married to older men due to religious, economic, and cultural reasons.

Women's rights groups highlighted infanticide, usually due to poverty or embarrassment, as a continuing problem. Domestic workers or women from villages working in cities who became pregnant sometimes killed their babies, since they could not care for them. Others, who were married to men working outside the country, killed their infants out of shame. In some cases, the families of the women shamed them into killing their own babies. Methods ranged from burying them alive, putting them in septic tanks, or simply abandoning them along the road. When the identity of the mother was discovered, the police arrested and prosecuted her.

Many children were displaced due to the Casamance conflict and often lived with extended family members, neighbors, in children's homes, or on the streets. The government lacked adequate resources to effectively support these children. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health. According to UNICEF there were an estimated 100,000 talibe boys and 10,000 street children.

#### Trafficking in Persons

The constitution and law prohibit trafficking in persons; however, persons were trafficked to, within, and from the country. Laws that prohibit pimping and kidnapping can be used in some trafficking cases.

Trafficking in and through the country was significant, especially with regard to child begging. Talibes were trafficked from neighboring countries, including The Gambia, Mali, Guinea, and Guinea-Bissau, and internally to participate in exploitive begging for some Koranic schools.

Young girls were trafficked from villages in the Diourbel, Fatick, Kaolack, Thies, and Ziguinchor regions to urban centers for work as underage domestics.

Young girls from both urban and rural areas were involved in prostitution, which NGOs stated involved an adult pimp to facilitate commercial sex transactions or provide shelter. Young boys also were involved in prostitution, particularly to support their families.

The country was believed to be a transit point for women en route to Europe for sexual purposes.

Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of five to 10 years' imprisonment and a fine of five to 20 million CFAF (approximately \$10,000 to \$40,000). When the crime involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, prison terms range from 10 to 30 years. The government did not effectively enforce the law. There was no available data as to who were principal traffickers.

The human rights commissioner and the family ministry were the government coordinators on human trafficking issues.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center in Dakar, a children's center where child trafficking victims received nutritional, medical, and other assistance. The center accommodated children from The Gambia, Mali, Guinea-Bissau, and Guinea. The center also operated a toll-free child protection hot line that fielded many calls. With assistance from a foreign government, the police have established a trafficking-in-persons database. There were no government programs to protect or assist trafficked women.

The State Department's annual Trafficking in Person's Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there was a lack of infrastructure to assist them. The Ministry of National Solidarity is responsible for protecting the rights of persons with disabilities.

The law reserves 15 percent of new civil service positions for persons with disabilities. However, according to the Senegalese National Association of People with Physical Disabilities, the National Assembly must pass a pending implementation bill to make the law operational. The government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities to receive training and funding for establishing businesses.

Several government programs, which appeared to be earmarked for persons with disabilities, offered services to other vulnerable populations, reducing resources for persons with disabilities. Due to a lack of special education training for teachers and a lack of facilities accessible to children with disabilities, only approximately 40 percent of such children were enrolled in primary school.

During the year the government completed construction of five multipurpose social centers in the country as part of its five-year national program for community-based rehabilitation of persons with disabilities.

During the year the Association of Handicapped Students of the University of Dakar demanded better living conditions, noting that many of their members had to abandon their studies due to poor lodging and working conditions. The 210 students of the university lived six persons to a room that was built to house two. In March the Association of Female Handicapped of MBour denounced the stigmatization they suffered from employment discrimination and mobility problems.

The following May 2006 cases remained pending at year's end: the rape of a 16-year-old deaf and mute girl in Thiaroye, and the rape of a 15-year-old girl with disabilities in Yeumbeul.

#### National/Racial/Ethnic Minorities

While the country's many ethnic groups have coexisted relatively peacefully, interethnic tensions between Wolofs and southern ethnic groups played a significant role in the long-running Casamance rebellion that was characterized by grievous human rights abuses.

#### Other Societal Abuses and Discrimination

As a result of both government and NGO HIV/AIDS awareness campaigns, persons with HIV or AIDS were increasingly accepted in society.

Homosexuality, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense. This article of the criminal code has been used to prosecute homosexuals. Homosexuals faced widespread discrimination, social intolerance, and acts of violence.

On February 2, the DIC arrested Pape Mbaye, a well-known homosexual entertainer, and five of his friends after a magazine published photos of Mbaye attending a 2006 homosexual marriage ceremony. Mbaye was jailed for five days before being released. He was not formally charged, and his friends also were released after they threatened to identify influential persons as being homosexual. After police and Ministry of the Interior officials reportedly told Mbaye that they could not protect him against subsequent societal harassment, Mbaye fled to Ziguinchor and The Gambia. Mbaye returned to Dakar on May 16, and the NGO RADDHO took up his case. On June 9, authorities issued Mbaye a passport and he later left the country.

On February 15, the government did not authorize an attempt by an Islamic group to stage an antigay demonstration at the Grand Mosque of Dakar.

On April 2, three homosexuals reportedly were attacked in Ziguinchor. One of them was severely injured and taken to a hospital. No arrests occurred by year's end.

On August 12, a mob attacked a suspected homosexual man in the Dakar suburb of Patte D'Oie. The man sustained injuries and was treated at a hospital. No arrests occurred by year's end.

On December 19, police raided the home of Diadji Diouf, the director of AIDES Senegal, an NGO provides HIV prevention services. The police arrested Diouf and seven men; they remained in custody at the end of the year.

## Section 6 Worker Rights

### a. The Right of Association

By law, all workers, except security forces, including police and gendarmes, customs officers and judges, are free to form and join unions, and workers exercised this right in practice. However, the labor code requires the interior minister to give prior authorization before a trade union can exist legally. The government can also dissolve trade unions by administrative order, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus the majority of the workforce. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40-50 percent belonged to unions.

The law provides for the right to strike, and workers exercised this right; however, there were significant restrictions. The law states that workplaces may not be occupied during a strike. Several strikes were staged during the year by transportation, health, education, bakery, and waste collection workers. 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.

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of union workers.

Antiunion discrimination is prohibited by law; and no antiunion discrimination occurred during the year.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred.

### d. Prohibition of Child Labor and Minimum Age for Employment

The law bans the exploitation of child labor, and there are regulations on child labor that set the minimum working age, working hours, working conditions, and bar children from performing particularly dangerous jobs; however, child labor was a problem. Most 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 labor over education for their children.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws.

In August the Government's National Agency of Demography and Statistics published a national child labor survey which measured the economic activities of children during the prior 12 months. According to the survey 1,378,724 of the country's 3,759,074 children between the ages of five and 17 years worked. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick. Child labor is prevalent in many informal and family-based sectors such as agriculture, fishing, artisanal gold mining, garage mechanics, and metal and wood working shops.

Many religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions or work in the agriculture sector under the threat of physical punishment.

One particularly egregious area of child labor was in the mining and rock quarry sector. Child gold washers, mostly between the ages of 10 and 14, worked approximately eight hours a day without training or protective equipment. Children worked long hours in rock quarries, crushing rock, and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness.

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

The labor ministry and social security inspectors were in charge of investigating and initiating lawsuits in child labor cases. Inspectors 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. In practice inspectors did not initiate visits because of a lack of resources and relied on unions to report violators. Labor inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives. However, there were no statistics available on the number of violations found.

The government has raised awareness of the dangers of child labor and exploitive begging through seminars with local officials, NGOs, and civil society. The government also participated in a project funded by a foreign government to withdraw 3,000 children from and prevent 6,000 others from entering exploitive child labor in agriculture, fishing, begging, and domestic service. The government also participated in an ILO project to combat child labor.

To reduce the incidence of exploitive begging, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship is implementing a program to help support 48 Koranic schools whose teachers do not force their students to engage in begging.

#### e. Acceptable Conditions of Work

The national minimum wage was 209 CFAF (approximately \$0.42) per hour, which did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of minimum wage in the formal sector. The minimum wage was not respected in the informal sector, especially for domestic workers.

Within the formal sector, the law mandates for most occupations a standard workweek of 40-48 hours with at least one 24-hour rest period, one month per year of annual leave, enrollment in government social security and

retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Workers, including foreign or migrant workers, had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment; however, it was seldom exercised due to high unemployment and a slow legal system. The Ministry of Labor, through the Labor Inspection Office, enforced labor standards. However, labor inspectors had very poor working conditions and lacked transportation to conduct their mission effectively.