

SENEGAL

EXECUTIVE SUMMARY

Senegal is a moderately decentralized republic dominated by a strong executive branch. In 2007 Abdoulaye Wade was reelected president for a five-year term in an election generally viewed as free and fair, despite sporadic incidents of violence and intimidation. Also in 2007 the ruling Senegalese Democratic Party (PDS) won the majority of seats in National Assembly elections that were boycotted by the leading opposition parties. Security forces reported to civilian authorities.

The most significant human rights problems included reports of physical abuse and torture; limits on freedoms of speech, press, and assembly; and corruption.

Other major human rights problems included the following: inhuman and degrading treatment of detainees and prisoners, including overcrowded prisons; questionable investigative detention and long pretrial detention; lack of an independent judiciary; rape, domestic violence, sexual harassment of and discrimination against women; female genital mutilation (FGM); child abuse; child marriage; infanticide; trafficking in persons; and child labor.

Rebels associated with the Movement of Democratic Forces of the Casamance (MFDC) killed civilians and military personnel, committed robberies, fought with the army, and harassed local populations while fighting each other.

Impunity existed for security forces and other actors. No prosecutions or investigations of government officials, including law enforcement or security officials, who allegedly committed abuses, were closed during the year.

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings. However, there was one report of an arbitrary killing by a security force member.

On May 30, the commander of a paramilitary police (gendarmerie) station in Sangalkam shot and killed protestor Malick Ba during a demonstration against a government decision to replace local elected officials with government appointees.

Samba Sarr, the police station commander who shot Ba, was moved to another police station; however, no charges were filed in the case.

Park ranger Yaya Sonko, who shot and killed fisherman Moustapha Sarr in July 2010, was provisionally released in February pending his trial by a military tribunal, which began in October.

On April 11, the prosecutor ordered an investigation into the death of Abdoulaye Wade Yinghou, who died in July 2010 while in police custody. A postmortem indicated that Yinghou suffered a broken cervical vertebra, wounds from sharp instruments, and lung injuries.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Human rights 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 reportedly forced detainees to sleep on bare floors, directed bright lights at detainees, 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. While abuses occurred, the government claimed that these practices were not widespread and that it usually launched formal investigations into cases of abuse. However, the investigations were often lengthy and rarely resulted in charges or indictments of suspects.

On April 16, three human rights groups called for an investigation into the death of Aladji Konate in the town of Bakel. Following Konate's arrest by gendarmerie forces, his body was found naked on the banks of the Senegal River and exhibited

evidence of torture. As of the end of the year, authorities had opened no formal investigation.

On May 6, the African Assembly for Human Rights (RADDHO), a local human rights organization, accused officers at the Nord Police Station in St. Louis of torturing Yatma Fall, who had been arrested for gasoline theft along with an accomplice. According to RADDHO, investigators extracted confessions from Fall under torture; RADDHO also cited a report by a doctor at St. Louis Hospital which concluded that Fall had suffered physical abuse. In April the prosecutor dropped charges against Fall, who later filed a suit against police that remained pending at the year's end.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh, and no new prisons have been built since 1960. The local nongovernmental organization (NGO) National Organization for Human Rights identified overcrowding and lack of adequate sanitation as major problems. There were 37 prisons with a designed maximum capacity of 3,000 prisoners. According to Ci-Biti, an NGO specializing in prisoners' rights, 7,300 individuals were held in prison facilities in 2010, approximately 3,000 of whom were in pretrial detention. A UN study group on pretrial detention visited the country in 2009 and found that Dakar's main prison facility, known as "Rebeuss," housed 1,592 inmates while its designed capacity was 800. The group criticized long pretrial detention, prolonged police custody beyond the legal time limit, and detainees' lack of access to attorneys for 48 hours after arrest.

Men and women were held in separate facilities. The conditions in which women prisoners were held were generally considered to be superior to the conditions in which males were held. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions. Prisoners were generally allowed reasonable access to visitors and were permitted religious observance.

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.

Prisons lacked doctors and medicine. There was one mattress for every five detainees. Prisons experienced drainage problems and stifling heat. They were infested with insects, and food was of low quality. Prisons usually were tied into the local water supply, and prisoners had access to potable water.

During the year the government permitted prison visits by local human rights groups. Members of the International Committee of the Red Cross also visited prisons in Dakar and Casamance, where 20 MFDC members were held on various criminal charges.

In September 2010 Abdoulaye Babou, chairman of the Law Committee of the National Assembly, and 10 other members of parliament visited the prisons of Louga and Fatick. They regretted cases of long pretrial detention and stated that some members of the group who are attorneys would represent detainees involved in the longest delayed cases. They also noted the poor conditions of the prison in Fatick, with bad hygiene, crumbling buildings, and overcrowding. They called on the government to increase prison budgets. Currently prisons are allocated 500 francs CFA (\$1.00) per prisoner per day; 450 francs CFA (\$0.90) for daily meals and 50 francs CFA (\$0.10) for hygiene.

The parliamentary group also called on the government to build a new prison in Louga to replace the old warehouse used as a prison, which they termed inappropriate and overcrowded.

There were no significant efforts to modernize record keeping during the year. In general, efforts at computerizing record keeping were impaired by the irregular power supply at many government facilities and inadequate training of government personnel on computerized systems. A lack of funding precluded significant modernization or improvement of prison facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention. The government generally observed these prohibitions, although NGOs and the media reported that police often forcibly dispersed unauthorized marches, arbitrarily arrested individuals, and released them several hours later.

On March 19, immediately prior to a scheduled day of protest, the minister of justice announced that a coup plot had been uncovered and that four youths had been arrested for planning actions around the capital “to create panic and cause

fatalities.” However, on March 22, the government announced there was no concrete evidence the four detainees intended to overthrow the government, and the individuals were released.

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 14 regions, there is at least one police station and at least one mobile safety brigade. Dakar has 16 police stations. The police force effectively maintained law and order.

The gendarmerie is under the aegis of the Ministry of Defense and is primarily employed in rural areas where there is no police presence.

Impunity and corruption were pervasive problems. An amnesty law covers police and other security personnel involved in “political crimes” committed between 1983 and 2004, except those who committed assassinations in “cold blood.”

The Criminal Investigation Department (DIC) is in charge of investigating police abuses. The DIC did not close any investigations in 2011 and was not effective in addressing impunity or corruption among police.

Arrest Procedures and Treatment While in 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 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 officials, may double the detention period from 24 to 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 (eight days) without being formally charged.

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 examination and possibly access to family; however, family access was not allowed generally. The accused has the right to an attorney, and an attorney is provided at public expense in felony cases to all criminal defendants who cannot afford one, after the initial period of detention. Attorneys are not always provided for defendants in misdemeanor cases. A number of NGOs also provided legal assistance or counseling to those charged with crimes.

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

Pretrial Detention: Judicial backlogs and absenteeism of judges contributed to long pretrial detention. 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, the state paid no compensation. In 2009 a UN study group on pretrial detention criticized the country for its use of long pretrial detention.

In July several human rights activists expressed concern about the government's decision to postpone, allegedly for financial reasons, pretrial sessions for 41 detainees held under felony charges. Human rights activists maintained that the postponement was in breach of the 2008 code of criminal procedure that mandates such sessions should be held every four months, and that it would unduly prolong the pretrial detention of the 41 detainees in Dakar, Kaolack, Ziguinchor, and Tambacounda.

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 with the prosecutor's consent may order release pending trial. If a prosecutor opposes release, the order is frozen until an appeals court decides whether to grant release. By law the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security, murder, and embezzlement of public funds.

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.

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 publicly to criticize their working conditions, including overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation. Magistrates also openly questioned the government's commitment to judicial independence.

Besides the formal civil court system, some citizens relied on traditional leaders to settle family and community disputes.

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

Trial Procedures

Defendants are presumed innocent. All defendants have the right to a public trial, to be present in court, confront witnesses, present evidence and witnesses, and have an attorney, at public expense if needed, in felony cases.

Evidentiary hearings may be closed to the public and the press. Although the defendant and counsel may introduce evidence before the investigating judge who decides whether to refer a case for trial, they do not always have access to all evidence against a defendant presented prior to trial. Police or prosecutors may limit access to evidence. A panel of judges presides over ordinary courts in civil and criminal cases since a law passed in July eliminated trials by jury. The right of appeal exists in all courts, except for the High Court of Justice. These rights extend to all citizens.

Political Prisoners and Detainees

On July 25, Oumar Cyrile Toure (also known as Thiat), a rapper and leader in the “Y En a Marre” movement, was detained following a speech he gave at a July 23 rally in which he said that “a 90 year old liar cannot lead the country.” Following a 25-hour detention by the DIC, Toure was released without charge on July 26 (see section 2.b., Freedom of Assembly).

On October 20, opposition figure Malick Noel Seck was sentenced to two years in prison for contempt of court and issuing a death threat in an open letter he wrote to the Constitutional Council protesting President Wade’s running for a third term. Numerous human rights groups considered Seck’s conviction to be politically motivated and disputed the charges were legitimate.

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 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 telephone monitoring by security services was common practice.

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

The level of violence increased during the year in the Casamance Region. There were numerous instances of combat between MFDC and army soldiers, as well as between MFDC factions. The army conducted several sweeps in the area of Sindian in northern Casamance, close to the Gambian border, around the regional capital Ziguinchor, and in the area of Oulampane in northern Casamance. An estimated 83 people were killed as a result of the Casamance conflict during the year: 36 Senegalese soldiers, 14 civilians, and approximately 33 MFDC rebels.

No civilian landmine-related deaths were noted during the year, indicating that awareness campaigns about land mines have been somewhat effective. However, some observers noted an increased use of land mines by the MFDC. Two civilian women were injured in a landmine attack on March 27 in Diankadiou, North Sindian. Handicap International continued work on an antimine campaign under the supervision of and in coordination with the National Mine Action Center, a governmental organization.

Several landmine accidents killed soldiers.

MFDC rebels committed several highway robberies in the Casamance. Two civilians were killed in suspected MFDC robberies or attacks during the year.

On January 19, a 30-year-old Senegalese woman was kidnapped, beaten, and raped by suspected MFDC rebels near the village of Teidouboune. Senegalese soldiers found her body with fatal gunshot wounds the following day.

On January 28, a motorcyclist was ambushed and killed by suspected MFDC rebels near Bignona.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Speech: Individuals generally could criticize the government publicly or privately without reprisals.

Freedom of Press: There were a large number of 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 regulates radio frequency assignments, community radio operators claimed there was a lack of transparency in the

allocation of frequencies. Radio stations were occasionally controlled by a single religious, political, or ethnic group.

Although the government continued to maintain a firm grip on locally televised information and opinion through Radio Television Senegal (RTS), five privately owned television channels broadcast during the year. By law the government must hold a majority interest in the 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 ability of some religious leaders to broadcast on government-controlled television and radio without charge, while other groups were obliged to pay.

Government failure to enforce regulations on establishing media outlets and government's selective provision of media assistance resulted in an increase of unprofessional and politicized media. Journalists and human rights groups maintained that some media outlets, such as the daily newspaper *Le Messenger*, and radio stations Anur FM and Radio Municipale de Dakar, were created solely to refute antigovernment criticism.

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

Violence and Harassment: The government continued to perceive some media organizations as a threat, and during the year journalists were detained for several hours by the DIC. The police often pressured journalists who reported government scandals, waste, or fraud to reveal their sources. The law allows police to arrest and imprison journalists and private citizens for libel.

For example, on July 13 four journalists affiliated with the independent Wal Fadjiri media network (Abdourahmane Camara, Charles Gaiky Diene, Yakhya Massaly, and Mohamed Mboyo) were detained by the DIC following the publication in the *Wal Fadjiri* newspaper of an article entitled "Liars, Abusers, Hijackers: The Thugs of the Republic." They were released without charge after several hours.

On September 25, three journalists of the newly established privately owned daily newspaper *La Tribune* were released after being detained overnight at the police headquarters. Felix Nzale, managing director, Ahmet Bachir Ndiaye, reporter, and Mamadou Diop, a photojournalist, were accused of discrediting the police in a front-page story on September 23 and its accompanying photographs that accused the police of using high-handed measures in the quelling of a demonstration.

Police said the photographs were fake; the journalists claimed the pictures were genuine.

Censorship or Content Restrictions: Journalists practiced self-censorship, and selective government media assistance appeared to favor those outlets more friendly to the administration.

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

Libel Laws/National Security: The law criminalizes libel and the law is used to harass and discourage investigative reporting.

The NGO Reporters Without Borders reported that on April 14, Abdou Latif Coulibaly was given a suspended jail sentence of three months and fined 10 million francs CFA (\$20,000) for investigative journalism accusing a businessman close to the president of fraudulent dealings with the government. This was the second suspended sentence and fine on Coulibaly since 2010, when a libel charge was brought by a presidential advisor.

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.

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 political opposition demonstrations. Opposition groups complained of undue delays when waiting for a government response to authorization requests.

On May 26, police used teargas to disperse a meeting called by the Postal Workers Union (SNTPT) at its Medina office.

On June 5, police arrested four leaders of the “Y En a Marre” movement and their local coordinator in Mbacke. The group of rappers and journalists were on a countrywide tour to promote voter registration, particularly among youth. The group’s initial request for permission to hold a concert and an awareness campaign was denied. Following a radio interview by the group, four leaders of the movement were arrested by police, but released without charge several hours later (see section 1.e., Political Prisoners and Detainees).

On June 23 and 27, large demonstrations and riots took place to protest proposed constitutional changes and power outages. On June 23, police employed teargas and concussion grenades to control a large crowd that had assembled downtown in front of the National Assembly. On June 27, widespread riots developed in Dakar and its suburbs. Thousands of rioters blocked major roads, ransacked homes of government officials, and set fire to dozens of vehicles. Police attempted to disperse the crowds in Dakar and Mbour with teargas, but the riots were largely uncontrolled. For the first time in more than 20 years, the military was deployed for possible crowd control purposes but did not directly engage the demonstrators on June 27.

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

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution and law provide for freedom of 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.

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

Internally Displaced Persons (IDPs)

During the 29-year Casamance conflict, tens of thousands of persons left villages in the region due to fighting, forced removal, and land mines. Many persons reportedly became newly displaced during the year. The government estimated that 10,000 IDPs remain in the Casamance, although this number tended to fluctuate with the ebb and flow of the conflict. Some international humanitarian assistance agencies estimated the IDP number to be as high as 40,000. Some IDPs who attempted to return to their villages in rural communities south of Ziguinchor met with hostility from MFDC combatants, who survived on the same natural resources as returning IDPs.

During the year the government supplied food to and enrolled children of IDPs in local schools in Ziguinchor.

Protection of Refugees

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

The government violated the rights of some asylum seekers by not offering them due process or security, since appeals filed by denied asylum seekers are examined by the same committee that examined their original case 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. According to UNHCR, as of January there were 2,177 asylum seekers in the country.

Nonrefoulement: In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Durable Solutions: Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the Senegal River valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. Following discussion with UNHCR, the government agreed to issue identification cards. The government and UNHCR completed the registration process, and new refugee cards were issued in October.

In 2008 UNHCR began a repatriation program of Afro-Mauritanians to Mauritania. According to UNHCR, an estimated 34,000 Afro-Mauritanians were registered for voluntary repatriation and by January approximately 20,500 had been repatriated. Repatriations were temporarily stopped in January 2010 due to the internal sociopolitical situation in Mauritania but resumed in October 2010. Repatriations halted again briefly in December 2010 but resumed in January. UNHCR reports that 380 Mauritanian refugees were repatriated during the year.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees.

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 practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2007 President Wade was reelected to a constitutional five-year second term with approximately 55 percent of the vote. International observers declared the voting to be generally free and fair; however, there were irregularities, especially in the issuance of voter cards, and pre-election violence. Many opposition parties did not accept the election results and unsuccessfully petitioned the Constitutional Council to void the election.

In the 2007 legislative election, President Wade's PDS coalition won 131 of 150 National Assembly seats. International observers declared the elections to be generally free and fair. Because opposition parties, organized under the umbrella coalition "Front Siggil Senegal," boycotted the elections, the turnout of 34.7 percent was historically low. In the 2007 indirect elections for the Senate, local officials and members of parliament chose PDS candidates for 34 of the 35 contested seats. The remaining 65 Senate seats were filled by presidential appointment. The main opposition parties boycotted the Senate elections, since the president appoints the majority of Senate seats.

Political Parties: The 150 registered political parties generally operated without restriction or outside interference.

Participation of Women and Minorities: In May 2010 the National Assembly passed a law on gender parity that provides women equal access to all elected assemblies and management boards of totally or partially owned government companies. At year's end, there were 37 women in the 150-seat National Assembly and nine women in the 40-member cabinet. Only 13 percent of locally elected leaders were women. The 100-member Senate included 40 women.

Section 4. Official Corruption and Government 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. Public officials were subject to financial disclosure laws only in cases of investigations. The president is the only official required by law to disclose assets at the beginning of his term.

The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a serious problem, and there was widespread public perception of government corruption. Officials' granting themselves, members of the National Assembly, and civil servants salary increases, vehicles, and land over the previous few years exacerbated the perception.

Impunity and corruption among police were pervasive problems. 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.

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 prosecuted no government officials for the crime. Despite recurrent allegations of corruption in the media, the commission and the judiciary undertook no investigations.

Several meetings to decide matters of great import to the people of Senegal were held behind closed doors and without stakeholder or civil society participation in decision making or access to the proceedings. The NGO Article 19 reported on November 15 that the public and civil society groups were excluded from participating in the decision-making process for privatization of water resources.

During the year the Agency for Regulation of Public Markets (ARMP) published on the Internet its investigations into procurement code violations that occurred in 2009. The investigation reports were long and detailed, but did not result in any criminal prosecutions. ARMP has a mandate to publish its investigation report findings regardless of government consent.

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

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative but rarely responsive to their findings. Some human rights organizations alleged that their telephones were regularly tapped during the year and violence against human rights leaders occurred (see section 1.c.).

Death threats against leaders of opposition political parties, unions, journalists, NGOs, and senior officials were common and generally were believed to originate from the ruling party.

For example, Alioune Tine, the head of RADDHO, was attacked and brutally beaten by individuals thought to have been paid by the government. Tine claims the attack was organized by Farba Sengor, a well-known associate of President Wade, and that Sengor participated in the attack. Tine was hospitalized after the beating and remained in a coma for several days.

UN and Other International Bodies: In 2008 the constitution was amended to allow retroactive prosecution on charges of torture and crimes against humanity of former Chadian dictator Hissene Habre, who has lived in exile in the country since 1990. Donors worked with the government to formulate a feasible budget and, in November 2010, pledged approximately \$11,350,000 to finance the trial. At the same time, the Court of Justice of the Economic Community of West African States (ECOWAS) released a ruling that concurred with charges brought by Habre's lawyers against Senegal, arguing that Senegal made its criminal laws retroactive for the sole purpose of prosecuting Habre and thus had violated his rights. The African Union and the EU urged that the trial should proceed despite ECOWAS' decision.

In a February 7 interview with a French newspaper, President Wade expressed his opposition to trying Habre in Senegal, saying he was "finished" with the case following the ECOWAS court decision. On July 8, President Wade's office announced that Habre would be expelled to Chad on July 11. However, on July 10, the Foreign Ministry declared that Habre's expulsion had been "suspended" based on a request by the UN High Commissioner for Human Rights.

Government Human Rights Bodies: The government's National Committee on Human Rights (NCHR) includes government representatives, civil society groups, and independent human rights organizations. The NCHR has authority to investigate abuses; however, it lacked credibility, was poorly funded, did not meet regularly, did not conduct investigations, and last released its annual report in 2001.

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 NGO inquiries and held meetings with them to discuss human rights issues such as torture, domestic violence, and the case against Habre.

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

The constitution provides that men and women are equal under the law and prohibits discrimination based on race, gender, disability, language, or social status. However, gender discrimination was widespread in practice, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced.

Women

Rape and Domestic Violence: Rape was widespread. Spousal rape remained difficult to quantify since it was a taboo subject and seldom reported. The law prohibits rape, but not spousal rape; however, the government rarely enforced the law. Penalties against rape range from five to 10 years' imprisonment. NGO's criticized the lack of shield laws for rape; the law allows the common practice of using a woman's sexual history to defend men accused of rape. Prosecutions for rape remained minimal since judges seldom had sufficient evidence that rape occurred, especially when rape happened within a family. It was common to settle rape cases out of court to avoid the publicity and costs associated with prosecution. The Ministry of Justice estimated in 2009 that 47 percent of accused rapists went unpunished and were released without trial, but was unable to provide more recent estimates.

On August 8, up to 15 local human rights organizations publicly called for a halt to gang rape and the end of impunity for such crimes. They denounced the fact that, during violent protests on June 27, a group of men took advantage of the lack of electricity and unrest to rape several women present at a bar/restaurant in the Dakar neighborhood of Dieupeul. The group also condemned a separate incident that took place on July 31 in the Guediawaye suburb of Dakar. Following a wrestling match and subsequent power shutdown, a group of men reportedly raped a number of female fans who had gathered in front of the house of wrestler Balla Gaye to celebrate his victory. At the end of the year no arrests had been made in the two incidents.

Domestic violence, including spousal abuse, was a widespread problem. The Ministry of Justice is responsible for combating domestic violence. Several women's groups and the NGO Committee to Combat Violence Against Women and Children (CLVF) reported a rise in violence against women during the year. The CLVF reported that domestic violence cases accounted for 65 percent of all reported cases of violence against women in 2009.

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. CLVF also noted that the government authorized civil society organizations to represent victims of trafficking in civil cases but continued to deny them the right to do so in rape cases. The media reported several cases of incest. Domestic violence against women is punishable by one to 10 years in prison and fines ranging from 30,000 francs CFA (\$60) to 500,000 francs CFA (\$1,000), depending on the degree of maltreatment. When violence leads to death, the perpetrators are imprisoned for life with forced labor. Police usually did not intervene in domestic disputes, and most victims were reluctant to go outside the family for redress. There were no statistics available on the number of abusers prosecuted under the law. Close, older family members often committed rape and pedophilia within the household, making it difficult for victims to file lawsuits.

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

The government-run Ginddi Center provided shelter to women and girls who were victims of rape or early marriage, in addition to street children.

Female Genital Mutilation (FGM): 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. Prevalence of the practice in those over 10 years of age is reported to be less than 6 percent (see "Children" later in this section).

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 francs CFA (\$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 victims of sexual harassment found it difficult, if not impossible, to present sufficient proof to secure prosecutions.

Sex Tourism: There were instances of sex tourism. For example, there were reports that European tourists in the Saly district of Mbour sought sexual services.

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

In practice poor medical facilities constrained these rights, particularly in rural areas and in some urban areas where lack of funds led to closing maternity wards and operating rooms. According to Demographic Health Surveys, skilled personnel attended approximately 65 percent of births and prenatal care was provided in 93 percent of cases. According to UNICEF, the maternal mortality ratio (the ratio of the number of maternal deaths per 100,000 live births) was 410 in 2008. The Ministry of Health estimated that a majority of maternal deaths in childbirth could be prevented through the assistance of skilled personal and the availability of emergency obstetrical services. Social and cultural pressures to have large families reportedly led some husbands to ask health workers to terminate the use of contraceptives by their spouses. This reportedly led women to be discreet in the use of contraception. The UN Population Fund estimated that 12 percent of all girls and women between the ages of 15 and 45 used some form of contraception. Men and women were diagnosed and treated equally for sexually transmitted diseases.

In an effort to improve maternal and infant mortality rates, on February 3 the Ministry of Health announced that costs for cesarean sections within the district of Dakar would be covered by the government.

Discrimination: Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny and discriminatory rules of inheritance, were strongest. The law requires a woman’s approval of a polygynous union, but once in such a union, a woman neither needed to be notified nor to give prior consent if the man took another wife. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures and judicial reluctance to enforce the law.

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

Men and women have equal rights to apply for a job. Women represented 52 percent of the population, but they performed 90 percent of domestic work and 85 percent of agricultural work.

Children

Birth Registration: Citizenship is acquired by birth or naturalization. Only the father can automatically transmit nationality to legitimate children; a woman can if her husband is stateless. Legitimate children born to Senegalese women with foreign husbands have the option to acquire citizenship between the ages of 18 and 25. Illegitimate children acquire the citizenship of the first-known parent at birth. Children are not registered at birth unless a parent requests it be done, but failure to do so does not result in the denial of public service. In many rural areas parents seldom registered births. The process of registering births only required a local judge to make a ruling based on oral testimonies.

Education: The law provides for tuition-free education through the compulsory ages of 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. The historical gap in enrollment levels between boys and girls has been closed, and during the year there were more girls than boys enrolled in elementary education.

Girls encountered greater difficulties in continuing in school, however. When families could not afford for all their children to attend school, parents tended to remove daughters rather than sons from school. Sexual harassment by school staff and early pregnancy also caused the departure of girls from school. According to the most recent UNICEF data, 45 percent of girls and women ages 15-24 were literate, compared with 58 percent of boys and men of the same ages. While roughly equal numbers of boys and girls were enrolled in primary education,

UNICEF reported that 28 percent of boys were enrolled in secondary education compared with 22 percent of girls.

Child Abuse: Child abuse was common. Poorly dressed, barefoot young boys, known as talibes, begged on street corners for food or money for themselves and their Qur'anic teachers, known as marabouts. Many of these children were exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely reported. A 2008 joint study by UNICEF, the International Labor Organization (ILO), the World Bank, and the NGO Partnership for the Withdrawal and Reinsertion of Street Children identified an estimated 7,800 child beggars in the Dakar area. A report issued by Human Rights Watch (HRW) in April 2010 estimated 50,000 child beggars in the country. Most were approximately 10 years old, although some as young as two years old were reported. In general they were undernourished and prone to sickness. Since they begged full time, they devoted almost no time to Qur'anic studies. They were forced to give the proceeds of their begging to their teachers. Each child was expected to collect an average of 400 francs CFA (\$0.80) per day.

Child Marriage: Officials from the Ministry of Women, Family, Social Development, and Women's Entrepreneurship and women's rights groups stated that child marriage was a significant problem in parts of the country, particularly in rural areas, although it is against the law. Girls, sometimes as young as nine, were married to older men.

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 of girls younger than 16, but this law was generally not enforced in most communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age of consent. According to UNICEF data, 39 percent of women between the ages of 20 and 24 were married before the age of 18.

Harmful Traditional Practices: Almost all girls in the country's northern Fouta Region were FGM victims before adulthood, as were 60 to 70 percent of girls 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 ethnic groups, particularly in rural and some urban areas. According to a survey on health and demographics by the National Institute for Statistics, the practice of FGM decreased slightly from 28 percent in 2005 to almost 26 percent in 2011.

The government collaborated with the NGO Tostan and other groups to educate persons about FGM's inherent dangers. Tostan reported no real improvement over 2010 with 817 communities still practicing FGM. Tostan worked with 522 villages.

Sexual Exploitation of Children: The law provides that convicted sexual abusers of children receive five to 10 years' imprisonment. If the offender is a family member the maximum is applied. Any offense against the decency of a child is punishable by imprisonment for two to five years and in certain aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million francs CFA (\$600 to \$8,000). If the crime involves a victim younger than 13, the maximum penalty is applied. However, the law was not effectively enforced.

Rape of children remained a problem. The director charged with protection of children's rights reported an estimated 400 cases of rape between 2008 and 2009; however, this figure likely greatly underestimated the reality. No more recent data was available.

On May 9, Jean Delhoune, a 72-year-old French citizen, was arrested in Mbour on charges of pedophilia after having been caught assaulting three underage girls in a villa. The media reported that Delhoune had been caught in the course of a larger investigation into an underage prostitution network.

On May 17, media reported that Oumar Gallo Ba, a leader in the youth wing of the ruling party, was arrested in the eastern city of Tambacounda for the rape and subsequent pregnancy of an underage female student. After his arrest, Ba agreed to marry the girl after she gave birth and pay her a monthly stipend. The prosecutor recommended the case proceed to trial, and the case was pending at year's end.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished.

While prostitution is legal procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million francs CFA (\$600 to \$8,000).

Pornography is prohibited and pornography involving children under the age of 16 is considered pedophilia.

Infanticide: 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. If the identity of the mother was discovered, police arrested and prosecuted her.

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

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government somewhat effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there remained a lack of infrastructure to assist them, including in appropriately accessing voting sites. 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, as of year's end the government failed to issue the executive decree required 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 that 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 facilities accessible to children with disabilities, only 40 percent of such children were enrolled in primary school.

Mental health treatment was not generally available, and incidents of abuse of the mentally disabled were common.

National/Racial/Ethnic Minorities

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

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

Consensual same-sex activity, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense. In the recent past gays, lesbians, bisexual, and transgender (LGBT) persons often faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

The media failed to report acts of hatred or violence against LGBT persons. In November 2010 HRW released a report entitled "Fear of Life: Violence against Gay Men and Men Perceived as Gay in Senegal." The report discussed cases of violence against gay men and the legal and cultural milieu that fostered such violence. While the cases cited in the report were from 2009 and earlier, NGO observers speculated that the drop in cases reported during the year was due to several factors. First, violence against gay men and lesbians might have caused

many LGBT persons in the country to go underground. Second, increased international attention might have caused the government to curtail prosecutions and other official discrimination. A report by the Panos Institute West Africa released on July 20 found that local media contributed to negative societal attitudes toward LGBT persons. Finally, successful legal challenges to the law used to prosecute gays and lesbians for consensual sexual activity may have helped curtail its use by prosecutors.

Other Societal Violence or Discrimination

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

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

By law all workers except security forces, including police and gendarmes, customs officers, and judges, are free to form and join unions. The labor code requires the Ministry of Interior to give prior authorization before a trade union can exist legally. The government can also dissolve and disband trade unions by administrative order. Antiunion discrimination is prohibited by law.

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

The law allows unions to conduct their activities without interference, and workers exercised the right to form or join unions in practice. However, antiunion sentiment within the government was strong.

The law provides for the right to collective bargaining. However, collective bargaining agreements only apply to an estimated 44 percent of union workers. Trade unions organize on an industry-wide basis, very similar to the French system of union organization. Trade unionists were reportedly frequently subjected to harassment. In addition the ILO has raised questions regarding the country's full adherence to worker rights, particularly, the right of association. Nevertheless, there were no confirmed reports of antiunion discrimination activities during the year. Some newspapers have reported legal action against union leaders, for example in the telecommunications industry, but there were no reports of people being harassed for being a union member. Transportation, health, lawyers, telecommunication workers, waste collection workers, and fishermen staged several strikes during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, such practices occurred. The predominant type of forced labor was forced begging by talibes, where young boys were forced to beg for food/money by the teachers at Islamic schools. Parents living in villages sent their children to these schools to get an Islamic education, but in a cruel bait-and-switch, the children wound up begging instead. Many religious instructors in Qur'anic schools brought talibes 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 to work in the agriculture sector under the threat of physical punishment. Talibes occasionally worked in small-scale agriculture and harvested cashews, mangoes, and oranges. In the Casamance region, talibes working in the fields were exposed to land mines left from the war.

To reduce the incidence of exploitive begging, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship implemented a program to help support 48 Qur'anic schools whose teachers do not force their students to engage in begging. The Ministry of Education provided funds to schools operated by religious institutions that met national education standards. During the year 40 new elementary schools were opened throughout the country; 10 middle schools were also established. These schools were bilingual, teaching in French and Arabic. This program removed thousands of children from street begging and

exploitation. The Ministry of Education also worked on a secular curriculum for use in Qur'anic schools. Funding continued to be available for existing schools but was insufficient to allow the opening of additional schools, although the budget for the Ministry of Preschool, Elementary School, Middle and Secondary Schools and National Languages rose over the last three years.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip

c. Prohibition of Child Labor and Minimum Age for Employment

The law bans many forms of child labor exploitation. However, the law includes exceptions. For example it may allow a 12-year-old to work in a family environment so long as it is morally acceptable, and it also allows all boys under 16 to work in underground mines and quarries doing "light work." Given the nature of the dangers associated with mining, "light work" activities do not prevent their exposure to hazards. Regulations on child labor set the minimum working age, working hours, and working conditions, and prohibit children from performing particularly dangerous jobs.

The minimum age for employment is 15. In general work is 40 hours per week or 2,080 hours per year. Night work is performed between 10:00 p.m. and 5:00 a.m. and should receive a supplementary rate. Extensive language on occupational health and safety regulations exists in the labor codes. Inspectors from the Ministry of Labor are charged with investigating and initiating lawsuits in child labor cases. Investigators from the Ministry of Labor can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens.

Labor laws prohibiting child labor largely were unenforced. For example the Ministry of Labor sent investigators to investigate formal work places. However, they were not trained to deal with child labor problems, and many of the child labor abuses took place in the informal economy, where there were no inspections. The Child Labor Division in the Ministry of Labor was eliminated in May. Inspectors did not initiate visits to investigate child labor violations because they lacked adequate funding and expertise to handle child labor cases. There was no specific system in place to report child labor violations largely due to inadequate funding of the Child Labor Office and the Ministry of Labor. Instead the ministry relied on unions to report violators.

The government 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 an ILO project to combat child labor. The government was implementing the Child Labor Plan, which focused on better management of child labor issues. While the training created more awareness of child labor issues in local communities, there were no further outcomes.

In August 2010 the Ministry of Justice announced the formation of an office to combat the mistreatment of women and children. However, the office received no funding for the year 2011 and was eliminated in May.

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

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

One of the worst situations 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 also worked long hours in rock quarries, crushing rock, and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness. The NGO La Lumiere reported an increase in children working in gold mines in the Kedougou area during the year due to an increase in the price of gold.

According to a 2007 government survey, 90 percent of children in Kaolack, Fatick, and Ziguinchor carried out tasks detrimental to their health and education. The

study also found that 75 percent of girls were responsible for domestic chores, forcing many to leave school.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/PDF/2010TDA.pdf.

d. Acceptable Conditions of Work

The national minimum hourly wage was 209 francs CFA (\$0.42) and 183 francs CFA (\$0.37) for agricultural workers. In campaign speeches President Wade pegged the poverty income level at 100,000 francs CFA (\$200) per annum. The Ministry of Labor was 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.

Within the formal sector the law mandates for most occupations a standard workweek of 40 to 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. Premium pay for overtime was required in the formal sector. The law does not cover the informal sector. Legal regulations on occupational health and safety (OSH) exist, and the government sets the OSH standards. There was no explicit legal protection for workers who file complaints about unsafe working conditions. Workers, including foreign or migrant workers, had the nominal right to remove themselves from situations that endangered health or safety without jeopardy to their employment. The Ministry of Labor, through the Labor Inspection Office, enforced labor standards. The minimum wage was not respected in the informal sector, especially for domestic workers. Enforcement of the workweek standard was irregular. Labor inspectors had very poor working conditions and lacked transportation to conduct their mission effectively.

Workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety due to high unemployment and a slow legal system.