

## **SENEGAL**

Senegal, with an estimated population of 12.8 million, is a moderately decentralized republic dominated by a strong executive branch. In 2007 Abdoulaye Wade was reelected president in an election generally viewed as free and fair despite sporadic incidents of violence and intimidation. 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. During the March 2009 local elections (municipal, regional, and rural communities), a multiparty opposition coalition scored significant victories, especially in the country's major cities. International observers characterized the March 2009 elections as generally free and transparent. Security forces reported to civilian authorities.

Major human rights problems included the following: inhuman and degrading treatment of detainees and prisoners, including reports of physical abuse and torture; overcrowded prisons; questionable investigative detention and long pretrial detention; lack of an independent judiciary; limits on freedoms of speech, press, and assembly; corruption and impunity; 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.

### **RESPECT FOR HUMAN RIGHTS**

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 July 5, a park ranger stationed at the marine protected area of Madeleine Island, off the coast of Dakar, shot and killed fisherman Moustapha Sarr, who had allegedly violated regulations prohibiting fishing in the marine reserve. The park

ranger, Yaya Sonko, who shot Sarr three times, was arrested and put in pretrial detention by a judge on August 17. The case was pending at year's end.

The case against gendarme Gora Diop, who shot and killed Sangone Mbaye in August 2009, remained pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

The government did not take any action to resolve older cases of disappearances (dating from 2002 and earlier), particularly in the Casamance, that were 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 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. 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.

In a report issued in September, Amnesty International (AI) cited several cases from 2009 and earlier of deaths that allegedly involved torture while detainees were in police custody. AI noted that no arrest or prosecution was made against members of security forces as the government refused to authorize such prosecution. In its response, the government acknowledged the existence of torture but noted that such cases were isolated and not systematic and claimed that AI's

report was exaggerated. Other diplomatic and nongovernmental representatives echoed this assessment, noting that while abuses did occur, they were not systematic in scope.

On July 14, police in Yeumbeul, a suburb of Dakar, arrested Abdoulaye Wade Yinghou during a demonstration protesting electricity outages. Yinghou was not a demonstrator but had gone to purchase poultry feed for his employer. He was chased by the police, arrested, and taken to the local police station, where he managed to use his cell phone to alert his employer. The police first denied having arrested him but, on July 15, told his employer that Yinghou died of a seizure while in custody. A postmortem indicated that Yinghou suffered a broken cervical vertebrae, wounds from sharp instruments, and lung injuries; his death resulted from heart failure. By year's end, no investigation had been conducted or any arrest made. The African Assembly for Human Rights (RADDHO) denounced Yinghou's death and echoed AI's report of at least 10 deaths of detainees in police custody as a result of torture in the last decade. RADDHO and AI noted that total impunity for security forces continued to be the rule.

There were no further developments in the May 2009 death of Julilson Niniken Vaz who died while in custody of gendarmes in Mbour, allegedly from torture.

At year's end there was no new information on the November 2009 death of Abou Dia, who died in police custody in the city of Matam. While police claimed that Dia hanged himself, the government admitted during the year that an autopsy revealed that he died of strangulation; the government claimed that an investigation was ongoing.

There were no further developments in the alleged cases of torture by security forces reported by human rights organizations following a 2008 riot in the city of Kedougou. The court had dismissed allegations of torture made by attorneys.

There were several cases of mob violence. Due to a weak judiciary and widespread perception of impunity in the justice system, civilians often administered punishment by beating presumed thieves before transferring them to security forces. For example, on July 21, Prosper Bassene was hit three times with a machete, tied up, and beaten to death by local persons in the neighborhood of Goumel in Ziguinchor. Bassene had robbed a local shop that night, and his gang had reportedly committed several robberies and sexual abuses. As of year's end, no one had been charged.

### Prison and Detention Center Conditions

Prison and detention center conditions were poor, in part because no new prisons have been built since the colonial era. The nongovernmental organization (NGO) National Organization for Human Rights (ONDH) identified overcrowding and lack of adequate sanitation as major problems. There were 37 prisons with a designed maximum capacity of 3,000 prisoners. However, officials noted in December 2009 that there were 7,550 prisoners. Of this population, 1,600 were non-Senegalese. A UN study group on pretrial detention visited the country in September 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 the long pretrial detention, prolonged police custody beyond the legal time limit, and detainees' lack of access to attorneys for 48 hours after arrest.

According to ONDH, approximately 2,660 persons were held in prison facilities in pretrial detention in 2009. There were an estimated 200 children being held with their mothers in prison.

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

Unlike the previous year, there were no reports of any deaths due to mistreatment or poor conditions in prisons.

Local NGOs reported in 2009 that the rape of female prisoners was a serious issue not addressed by government authorities. Unlike the previous year, however, NGOs made no new reports of rape cases of female prisoners.

In April 2009, A. Kebe, a prisoner serving a two-year sentence at the prison of Diourbel, reportedly became pregnant while in custody; however, after delivering her newborn in prison, she strangled the child. The prosecutor opened an inquiry, but there were no further developments by year's end.

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, stifling heat, and were infested with insects; food was of low quality. Prisons were usually 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. The ONDH visited prisons in Dakar, Sebikotane, Koutal, and Louga. Members of the National Assembly and the Senegalese League of Human Rights also conducted prison visits.

The ONDH noted that overcrowding and long pretrial detentions were serious problems. In Louga, one prisoner had spent six years in pretrial detention and did not have any idea when and where his prosecution would be taking place. Prisoners at the Camp Penal in Dakar complained about brutality by prison guards. One of them showed his back, which was scarred by marks of burning and beating.

In September Abdoulaye Babou, chair of the Law Committee of the National Assembly, and 10 other members of parliament visited the prisons of Louga and Fatick. They made statements regretting 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 CFA (\$1.01) per prisoner per day; 450 CFA (91 cents) for daily meals and 50 CFA (10 cents) 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. Each of the rooms in the Louga prison held 20 to 30 prisoners. The Louga prison had 222 citizen prisoners, including 194 men, 11 women, 12 minors, and five foreigners. The prison was officially restricted from receiving persons sentenced to more than one year or hard labor, but this rule was not respected.

Members of the International Committee of the Red Cross (ICRC) also visited prisons in Dakar and Casamance where 15 MFDC members were held on various criminal charges.

d. Arbitrary Arrest or Detention

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

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 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. For example, in 2009 the DIC investigated the case of journalists Boubacar Kambel Dieng and Karamoko Thioune, who were beaten in 2008 by police special forces (BIP) unit personnel following a soccer match in Dakar. On March 23, the media reported that the Ministry of Interior finally authorized the judge to prosecute the three suspected BIP officers. On November 26, the court found one of the three officers, El Hadji Lamdou Dione, guilty and issued a suspended sentence of one month in prison. He was also ordered to pay 750,000 CFA (\$1,516) in damages to Dieng.

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.

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 possibly access to family; however, family access was not generally allowed. The accused has the right to an attorney, and attorneys should be provided at public expense to all criminal defendants who cannot afford one, after the initial period of detention. 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.a.).

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 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 case loads, 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 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. 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, to confront witnesses, to present evidence and witnesses, and to 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 to refer a case for trial, they do not always have access to all evidence against a defendant presented prior to trial. Access to evidence may be limited by police or prosecutors. 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

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. 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 several instances of combat between MFDC and army soldiers, as well as between MFDC factions. The army conducted several sweeps near the regional capital Ziguinchor and in the area of Oulampane in northern Casamance. At least 13 soldiers died in suspected MFDC attacks between February and December. The number of casualties on the MFDC side was unknown.

Despite continued armed conflict, there were fewer civilian victims of violence in the Casamance during the year. No civilian land mine-related deaths were noted during the year, indicating that awareness campaigns about land mines have been effective. Handicap International continued working under the supervision and coordination of the National Mine Action Center, a government organization.

One civilian was killed by alleged members of MFDC. On January 10, Ibrahima Correa was shot and killed by alleged MFDC members in the village of Bindaba. Correa was reportedly going to his rice field when gunmen opened fire. As of year's end, no arrest had been made.

The land mine office in Casamance reported two land mine accidents during the year in which two soldiers were injured.

In June there were reports that soldiers beat civilians in the town of Oulampane to force them to provide information about movements of MFDC rebels operating in the area. As of year's end, no action had been taken against the soldiers.

MFDC rebels committed several highway robberies in the Casamance but, unlike the previous year, no civilian was killed in MFDC robberies.

On May 7, alleged members of the MFDC shot and killed an unarmed soldier in plain clothes near Emaye, in the rural community of Santhiaba Manjack. No arrest had been made by year's end.

On July 18, near Kaguitte in southern Casamance, alleged MFDC members committed highway robberies. While being pursued by soldiers in the area, they shot and killed one soldier. No arrest had been made by year's end.

On October 31, on National Road 4 between the villages of Badioure and Diaran near Bignona, a group of approximately 40 suspected MFDC members fired on an army truck. Three soldiers were killed and two injured. The soldiers were being deployed to provide security on the road, where several car robberies had taken place. No arrests had been made by year's end.

On December 26, suspected MFDC rebels attacked a military convoy in the Bignona area, injuring two soldiers who later died from their injuries. The following day suspected MFDC rebels ambushed another military patrol in Bignona, killing six soldiers.

On January 18, between Etafoune and Kaguitte, heavily armed gunmen (suspected MFDC members) stopped and robbed operators or passengers of a vehicle, three motorcycles, one bicycle, and passers-by, stealing several cell phones and an

unspecified sum of money. As of year's end, no one had been charged for the crimes.

On March 1, between the villages of Mmpalago and Silinkine in northern Casamance, armed men (suspected MFDC members) stopped several cars, took all valuables from the passengers and later fled with one of the vehicles, which belonged to the president of the Region of Ziguinchor. As of year's end, the vehicle had not been recovered or anyone charged with the crime.

On September 3, several vehicles were stopped by alleged members of MFDC between Sare Tening and Sinthian Tening. Passengers were robbed of their cell phones and money. No arrests had been made by year's end.

There were no further developments in the following 2009 cases: the June 7 killing of three persons in an MFDC car hijacking near the village of Kawane in northern Casamance; the June 9 killing of Youssouf Sambou ("Rambo"), a former warlord in the MFDC; and the October 2 MFDC killing of six soldiers trying to free their vehicle from mud in the Sedhiou area.

Of as many as possibly 40,000 persons internally displaced due to the Casamance conflict, the ICRC estimated that 10,000 internally displaced persons (IDPs) continued to live in Ziguinchor, including 370 persons from the nearby village of Baraf, which experienced heavy fighting between the army and MFDC in September 2009 (see section 2.d.).

## 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 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 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 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), four privately owned television channels broadcast during the year. By 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 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-provided 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 newspapers *Express News* and *Le Messager*, and radio stations Ocean FM, Anur, and Radio Municipale de Dakar, 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 routinely 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.

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 for libel.

On August 26, a Dakar court declared Abdourakhmane Diallo, director of *Express News*, guilty of defaming Pape Samba Mboup, chief of staff to the president. An unsigned article published in Diallo's newspaper had called Mboup an alcoholic and political mercenary. Some observers speculated that the article resulted from a political rivalry between Mboup and another government minister. The court sentenced Diallo to six months' imprisonment and fined his publication 20 million CFA (\$40,444). Diallo, who was tried in absentia, had not been detained by year's end.

On September 14, Abdou Latif Coulibaly, an investigative journalist and director of publication for weekly magazine *La Gazette*, was tried for libel in a Dakar court for defaming Thierno Ousmane Sy, a special adviser on telecommunications licensing to the president. Coulibaly's magazine quoted Sy in an article alleging that Sudanese telecom company Sudatel paid \$40 million to bribe Senegalese and foreign lobbyists in 2007 to obtain a cell phone license. Sy was not prosecuted for any of the alleged bribes, as the government required that the journalist first identify his sources and information, which Coulibaly did not do. On November 16, Abdou Latif Coulibaly and two of the journalists who worked with him on *La Gazette*, were fined 20 million CFA (\$40,444) and given one-month suspended jail sentences.

The September 2009 libel case against journalists Abdou Dia and Pape Samba Sene was dropped because the governor decided not to seek reparation. The judge, in consultation with the prosecutor, decided therefore to close the case.

There were no further developments in the September 2009 vandalism of the premises of the independent television station Wal Fadjri.

### 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. There are three principle Internet service providers in the country. The number of Internet service subscriptions is growing by approximately 28 percent annually, having reached 59,745 accounts by December 2009. According to the country's

Agency for the Regulation of Telecommunications and Mail, this figure represented a market penetration rate of 0.49 percent. Cyber cafes were numerous in Dakar and often found in provincial centers. According to the International Telecommunication Union's statistics for 2008, approximately 8 percent of the country's inhabitants used the Internet.

#### 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 April 3, the prefect of Dakar banned a demonstration by opposition parties protesting the erection of the costly Monument of the African Renaissance. Faced with increasing pressure from opposition parties, the government authorized the demonstration at the last moment but limited the organizers to an itinerary different than they sought.

On May 22, gendarmes dispersed demonstrators protesting the erection of buildings near a lake in the Hann neighborhood of Dakar. Demonstrators found refuge in a mosque. Local authorities had not authorized the demonstration.

##### 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

For a description of religious freedom, please see the Department of State's *2010 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.

Internally Displaced Persons (IDPs)

During the 28-year-old 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 approximately 10,000 IDPs are in the Casamance, although this number tended to fluctuate with the progress 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.

The government supplied food to and enrolled children of IDPs in local schools in Ziguinchor. During the year the ICRC and the government provided support to IDPs from the village of Baraf who fled to the regional capital, Ziguinchor, after being threatened by MFDC rebels.

Protection of Refugees

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. 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. 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 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 the UNHCR, at the end of 2009, there were 2,796 asylum seekers in the country.

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. Following discussion with UNHCR, the government agreed to issue identification cards, but the process had not started by year's end. In 2008 UNHCR began a repatriation program of Afro-Mauritians to Mauritania. According to UNHCR, an estimated 34,000 Afro-Mauritians were registered for voluntary repatriation and, by December 2009 approximately 19,000 had been repatriated. Repatriations were temporarily stopped in January due to the internal sociopolitical situation in Mauritania but resumed on October 19. Approximately 1,400 refugees were repatriated between October 19 and the end of December.

During the year 67 Liberians, 57 Ivoirians, one Ghanaian, one Togolese, and 449 nationals from other countries registered with UNHCR. Some 15,000 Senegalese from the Casamance have sought refuge in Gambia (7,000) and Guinea Bissau (8,000) over the years. 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 as demonstrated in the 2007 presidential and legislative elections. Military and paramilitary forces were allowed to vote for the first time in 2009.

#### Elections and Political Participation

In 2007 President Wade was reelected to a second term with approximately 55 percent of the vote. International observers declared the voting to be generally free and fair; however, there was pre-election violence and irregularities, especially in the issuance of voter cards, and 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 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 the president. The main opposition parties boycotted the Senate elections, since the president appoints the majority of Senate seats.

The 150 registered political parties operated without restriction or outside interference.

At year's end, there were 37 women in the 150-seat National Assembly and 12 women in the 42-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 there were officials who

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 or her term.

The World Bank's 2009 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 Nontransparency, Corruption, and Government Fraud had no authority to investigate or to 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.

On March 10, Daniel G. Seck, director of the National Agency for Telecommunications and Postal Services, was arrested for mismanagement of public funds after having made payments to himself and senior members of the Agency's Council, which the government considered illegal. On March 16, he was freed on bail but the case remained pending at year's end. Several civil society leaders accused the government of using Seck as a scapegoat and denounced the prosecution as selective, since colleagues of Seck who also received payments were not charged.

During the year the government began active implementation of a more transparent bidding process through the Agency for the Regulation of Public Tendering (ARMP). The ARMP now monitors not only government agencies' compliance with bidding laws and procedures, but also conducts technical audits that examine the costs and quality of the work and services provided through public tendering. For example, the ARMP audited the bidding practices of several government entities and ruled in favor of several private companies that had filed grievances after submitting losing bids. In September the ARMP suspended a

telecommunications contract, but the president subsequently issued a decree that appeared to exempt purchases by the presidency and some ministries.

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 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 authority to investigate abuses; however, it lacked credibility since it 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 former Chadian dictator Hissene Habre.

In 2008 the National Assembly and the Senate jointly amended the constitution to allow retroactive prosecution of genocide and crimes against humanity. These legal provisions lifted the last obstacles to the prosecution of Hissene Habre, who has lived in exile in the country for 20 years, on charges of torture and crimes against humanity. However, the government continued to argue that Habre's prosecution could not take place without international donor funding. Donors worked with the government to formulate a feasible budget and, on November 24, pledged

approximately \$11,350,000 to finance the trial. The African Union (AU) agreed to provide one million dollars to begin the trial.

On June 24, the Court of Justice of the Economic Community of West African States (ECOWAS) examined charges brought by Habre's lawyers against Senegal. The lawyers argued that Senegal made its criminal laws retroactive for the sole purpose of prosecuting Habre and thus had violated his rights. The AU and the EU urged that the trial should proceed despite the ECOWAS' hearings.

Death threats against leaders of opposition political parties, unions, journalists, NGOs, and senior officials 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 6 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, in particular laws against violence against women and children, often were not enforced.

On May 14, the National Assembly passed a law on parity that provides women equal access to all elected assemblies and management boards of totally or partially owned government companies.

### Women

Rape was a widespread problem. 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. A women's rights NGO criticized the lack of rape shield laws; the law now 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 go

unpunished and are released without going to trial. According to a journalists' NGO, there were 400 documented cases of rape and sexual abuse in 2009. However, almost 60 percent of persons committing incest and rape were never brought to justice because of familial ties to the survivor.

One successful prosecution involved 67-year-old Mody Cissoko, who raped his 13-year-old step-granddaughter on August 16 in the village of Keur Massar, a suburb of Dakar. He was arrested and, on October 14, was sentenced to 10 years in prison and fined one million CFA (\$2,022).

On August 26, journalist Pape Amadou Gaye, editor in chief of *Courrier du Jour*, was sentenced to two years' imprisonment and a fine of two million CFA (\$4,044) for raping his female employee. The rape took place at the newspaper's headquarters in 2006.

There were no further developments in the following 2009 rape cases: the March rape of a hotel employee, allegedly by her French manager; and the October rape of a 70-year-old woman by a serial rapist.

Domestic violence, including spousal abuse, was a widespread problem. The Ministry of Justice is responsible for combating domestic violence. In September the government created a Ministry of Human Rights, a junior ministry within the Ministry of Justice, tasked with preventing and monitoring all forms of human rights violations, including trafficking and violence against women and children. The ministry offered advice to victims on litigation, assisted with out-of-court settlements, conducted awareness campaigns, and offered an alternative means to file grievances for victims choosing not to pursue a court case. Several women's groups and the NGO 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 CFA (\$60) to 500,000 CFA (\$1,011), 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 suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women.

According to the media, the government-run Ginddi Center has since March 2009 provided shelter to 109 women and girls who were victims of rape or early marriage (including a case of incest and a case of an 11-year-old girl who was raped and became pregnant). In 2009, 10 women in the Louga area died from domestic violence according to the CLVF local branch in Louga.

There were instances of sex tourism. For example, there were reports of European tourists in the Saly district of Mbour who sought these services.

The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA (\$101 to \$1,011) 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.

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 the Population Reference Bureau, approximately 51 percent of births were attended by skilled personnel. According to the UN Population Fund (UNFPA), the maternal mortality ratio (the ratio of the number of maternal deaths per 100,000 live births) was 410 in 2008. 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. UNFPA 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, including HIV. Women did not have difficulty being diagnosed for HIV or receiving antiretroviral treatment where available.

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 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 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 administration. This makes it particularly difficult for the 20 percent of families that women supported and led. However, it was 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

Citizenship is acquired by birth or naturalization; only the father can transmit nationality. 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.

According to the National Agency for Statistics, as of July, approximately 20 percent of children were not registered at birth in the Dakar region, and the figures were even higher in rural areas. For example, in the regions of Diourbel and Tambacounda, 67 percent of children were not registered.

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. As in neighboring countries, sexual harassment by school staff and early pregnancy were also likely causes of the departure of girls from school. In 2008 only 25 percent of women and girls over 15 years of age were literate, compared with 42 percent of boys and men. During the year, 44.1 percent of boys were enrolled in secondary education compared with 38.5 percent of girls.

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 the UN Children's Fund (UNICEF), the International Labor Organization (ILO), the World Bank, and a newly created NGO, the 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 in April estimated there were 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 CFA (\$0.80) per day.

During the year the government began to enforce laws banning begging, and several Qur'anic school teachers were prosecuted for abuse and exploiting children for begging. For example, on June 29, Qur'anic school teacher Souleymane Ndiaye was sentenced to one year's imprisonment for mistreating two of his young students. He had severely beaten them, causing wounds on their backs, because the children had failed to meet his daily begging income quota.

On September 8, seven Qur'anic teachers were sentenced to six months' imprisonment with a suspended sentence and five years probation, and each one was fined 100,000 CFA (\$202). On September 13, two additional marabouts were sentenced to one month of imprisonment and five years probation.

The law punishes sexual abusers of children with five to 10 years' imprisonment. If the offender is a family member, however, 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 four million CFA (\$606 to \$8,088). If the crime involves a victim younger than 13, the maximum penalty is applied. However, the law was not effectively enforced in general.

Rape of children was a problem. The director charged with protection of children's rights reported an estimated 400 cases of rape during 2006-07; however, this figure greatly underestimated the reality. No recent data was available.

During the year the Regional Child Protection Service of Sedhiou reported that 144 students became pregnant in the last two years, allegedly after having sex with their teachers. While details on individual cases were unavailable, the unequal power relationship between teachers and student suggests that most cases involved at least some element of coercion or even force. Local academic authorities

estimated that teachers were responsible for 40 per cent of students' pregnancies in the area.

On June 15, Imam Serigne Seck Ndiaye from Medina in Rufisque was accused of pedophilia and sodomy of S. Dia, a 15-year-old boy. The imam was arrested but, on August 6, charges were dropped by a judge for lack of sufficient evidence, despite media and investigative reports to the contrary.

On September 8, Mamadou Danfakha was arrested for rape, pedophilia, and sodomy of several children between five and 11 in the area of Guediawaye. Danfakha confessed that he did not know the exact number of his victims but was able to identify five of them. However, only two families agreed to press charges while the others refrained for fear of humiliation. In October Danfakha was sentenced to 10 years in prison for the rapes of an eight-year-old boy and a 10-year-old boy.

On September 27, a nine-year-old Qur'anic school student was raped by a man who escaped without being identified. Four other cases of rapes of Qur'anic students were reported in the same area during the year. No arrests had been made for any of these rapes by year's end.

In February Ibrahim Ly was sentenced to seven years in prison for the April 2009 rape of his 14-year-old niece, which resulted in her pregnancy.

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.

Female genital mutilation (FGM) was practiced widely throughout the country, but Tostan and UNICEF stated efforts to curtail the practice continued to have a significant effect. Some girls were as young as one year old 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. The most recent figures from UNICEF estimated that from 1997 to 2007, approximately 28 percent of women between the ages of 15 and 49 had been subjected to FGM, and 20 percent of these women were estimated to have at least one daughter who had been subjected to 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. The government prosecuted those caught engaging in the practice and sought to end FGM by collaborating with Tostan and other groups to educate persons about its inherent dangers.

Tostan reported that 4,183 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 70 percent of previously FGM-practicing communities in the country ending the harmful practice. The government adopted the Tostan model and approach to eradicating FGM. Tostan was working with 522 villages and aimed to end FGM completely by 2015.

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 child marriage is against the law. Girls, sometimes as young as nine, 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 displaced by the Casamance conflict often lived with extended family members, neighbors, in children's homes, or on the streets. The government lacked adequate resources to support these children effectively. According to NGOs in Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

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 CFA (\$606 to \$8,088).

Pornography is prohibited and pornography involving children under the age of 16 is considered pedophilia. Sentences for pedophilia range from five to 10 years' imprisonment. The maximum penalty is applied if the perpetrator is a parent or has authority over the minor.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://www.travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

There were approximately 50 resident Jews in the country; there were no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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, 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 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, as of year's end, the government had not issued an 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.

On May 26, the National Assembly passed a law to protect the rights of persons with disabilities. The law offers more possibilities for persons with disabilities to seek legal redress in case of discrimination. It also grants rights in education, health, access to public buildings, and employment. The government has submitted three decrees relating to the establishment of commissions on special education, equal opportunity, and financial support; these are necessary for the provisions of the law to take effect. A fourth decree concerning the establishment of a high commissioner for the rights of persons with disabilities was pending at year's end.

#### 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 was characterized by grievous human rights abuses.

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

Homosexual 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 have often faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

Unlike the previous year, the media did not report acts of hatred or violence against LGBT persons. On November 30, Human Rights Watch 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 fosters such violence. While the cases cited in the report were from 2009 and earlier, NGO observers speculated that the drop in cases during the year

was due to several factors. First, past violence against gays and lesbians may have caused many gay men in the country to go underground. Second, increased international attention may have caused the government to curtail prosecutions and other official discrimination. Finally, successful legal challenges to the law used to prosecute homosexuality may have helped curtail its use by prosecutors.

### Other Societal Violence or Discrimination

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

On February 16, the National Assembly passed a law to protect 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.

While there was no reported discrimination against persons with albinism, many suffered and died due to lack of skin care medication. The Senegalese National Albino Association provides a forum for persons with albinism to discuss their difficulties. It also provides job training and therapeutic activities, but lacked the funding to be successful.

## Section 7 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 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, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus excludes the majority of the workforce. According to the International Monetary Fund, the overall labor force participation rate was estimated at 43 percent in 2009. The formal sector employed 214,700 in 2006, approximately 6 percent of the total number of jobs, versus 3,422,700 persons in the informal sector. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40 to 50 percent belonged to unions. Within the employed workforce in Dakar, 7 percent worked in the public sector, 10

percent worked in the formal private sector, and 83 percent worked in the private informal sector.

Antiunion sentiment within the government is strong. 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 rights of association.

The law provides for the right to strike; however, certain regulations restricted this right in practice. 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. This right is further restricted by the authorities' power to requisition workers to replace those on strike. Transportation, health, labor inspectors, bakers, telecommunication workers, and waste collection workers staged several strikes during the year.

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

In theory the law allows unions to conduct their activities without interference; however, in practice the government did not effectively protect this right. The law also provides for the right to collective bargaining, although collective bargaining agreements only applied to an estimated 44 percent of union workers.

Antiunion discrimination is prohibited by law, and there were no confirmed reports of antiunion discrimination activities during the year.

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

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred (see section 7.d.). Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/g/tip>.

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

The law bans the exploitation of child labor. Regulations on child labor set the minimum working age, working hours, and working conditions and prohibited children from performing particularly dangerous jobs. However, 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 labor over education for their children.

The minimum age for employment is 15; however, children under the age of 15 continued to work in sectors such as agriculture, mining, and fishing, particularly in rural areas where there was no enforcement of child labor laws. 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. Labor laws prohibiting child labor were largely unenforced due to lack of resources and of political will. For example, the Ministry of Labor sends investigators to investigate formal work places. However, they are not trained to deal with child labor problems, and much of the child labor abuses take place in the informal economy, where there are no inspections. While there is a Child Labor Division in the Ministry of Labor, the office only has two employees and few resources. In addition, in August the Ministry of Justice announced the formation of an office to combat the mistreatment of women and children. The office is to function as a coordinator of efforts among the various governmental agencies, to combat, among other things, forced child labor. The office is also charged with producing an annual report on child labor issues. However, the office received no funding for 2011.

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 between the ages of five and 17 worked. 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 (that is, millet, corn, and peanuts), fishing, artisanal gold mining, garages, dumpsites, slaughter houses, production of salt, and metal and woodworking shops. Child labor was not common or reported to be a problem within large scale companies.



Many religious instructors in Qur'anic 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 to work in the agriculture sector under the threat of physical punishment. Talibe occasionally work in small-scale agriculture and are used to harvest cashews, mangoes, and oranges. In the Casamance region, talibe working in the fields are exposed to landmines left from the war.

One of the worst cases 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. 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 carry out tasks detrimental to their health and education. The study also found that 75 percent of girls were responsible for domestic chores, leading many to leave school.

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. In practice inspectors did not initiate visits to investigate child labor violations because they lack adequate funding and training 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 relies on unions to report violators. In the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives, child labor is not commonly a problem. There were no statistics available on the number of child labor violations for the reporting year.

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 an ILO project to combat child labor. The government was implementing the Child Labor Plan, which focuses on better management of child labor issues.

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 meet 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 has 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.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/g/tip>.

e. Acceptable Conditions of Work

The national minimum wage was 209 CFA (\$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 the minimum wage in the formal sector. The minimum wage was not respected in the informal sector, especially for domestic workers. 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; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

While legal regulations on workplace safety exist, 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 nominal 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.