

## 2009 Country Reports on Human Rights Practices

### SENEGAL

Senegal, with an estimated population of 12.5 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 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 elections as generally free and transparent. Civilian authorities generally maintained effective control of the security forces.

The government generally respected citizens' rights; however, there were problems in the following areas: inhuman and degrading treatment of detainees and prisoners; overcrowded prisons; questionable investigative detention and long pretrial detention; corruption and impunity; limits on freedoms of speech, press, and assembly; domestic violence, rape, sexual harassment of women, 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 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

Neither the government nor its agents committed any politically motivated killings. However, unlike previous years, there was a report of an arbitrary killing by security forces.

**SENEGAL**

On August 11, gendarme Gora Diop shot and killed Sangone Mbaye in the city of Joal, after stopping Mbaye's car and demanding a 1000 CFAF (\$2.20) bribe. When Mbaye refused, an argument ensued and the gendarme shot Mbaye, who died after receiving no emergency care. On August 23, the minister of defense announced that the gendarme would face justice and Diop was put in pretrial detention, where he remained at year's end.

There were no developments in the following 2007 cases: the January killing of a young man by a police officer in Diourbel; the April death in police custody of Dominique Lopy in Kolda; the June killing of Cheikh Ahmet Tidian Fall by customs officers in Mbour; the July killing of Abdoulaye Seck in Bignona; and the December death in police custody of Badara Diop in Kaolack.

The 2007 killings of Mamadou Sakho Badji and the government's special advisor for the Casamance peace process, Cherif Samesidine Nema Aidara, were still under investigation at year's end; one suspect remained in pretrial detention.

Handicap International (HI) reported one landmine accident during the year. On June 8, in the village of Kouring, in the Ziguinchor Region, two persons were injured by landmines. From January to June HI's humanitarian demining team cleared and neutralized 88 mines. HI continued working under the supervision and coordination of the National Mine Action Centre, a government organization.

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

The level of violence increased considerably during the year in Casamance. In August fighting between MFDC and the army near the regional capital of Ziguinchor caused the displacement of several hundred persons for a couple of days.

On June 7, three persons were killed in a car hijacking allegedly perpetrated by rebels of the MFDC near the village of Kawane in northern Casamance. Gunmen reportedly shot Elhadj Babou Ndiaye several times in the chest and hit Ndiaye with a machete on the feet and the head. The gunmen then robbed him and two other car occupants. According to one of the witnesses, the gunmen told Ndiaye he was not a native of Casamance before they shot him. There were no further developments at year's end.

**SENEGAL**

On June 9, gunmen allegedly belonging to the MFDC, shot and killed Youssouf Sambou a.k.a. "Rambo," a former warlord in the MFDC. Media reported the shooting was an execution by dissident rebels who did not appreciate the peace mediator role Rambo was playing between the government and MFDC. There were no further developments at year's end.

On October 2, gunmen allegedly belonging to the MFDC, shot and subsequently killed six soldiers trying to free their vehicle from mud in the Sedhiou area. At year's end there were no further developments.

**b. Disappearance**

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

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

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

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

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

Human rights organizations highlighted the lack of supervision and impunity with which security forces treated persons in police custody. The African Assembly for Human Rights (RADDHO) continued to demand prosecutions for the 2007 deaths of two suspects in police custody. They also denounced the 2007 abusive treatment inflicted by gendarmes in Dakar on the city's former

**SENEGAL**

mayor, Mamadou Diop, who indicated that he was stripped and made to lie on a stone floor.

On May 17, the media reported that a citizen of Guinea-Bissau named Julilson Niniken Vaz died while in custody at the office of the gendarmes in Mbour. While security forces allegedly claimed that he died following severe stomach pains, other prisoners arrested at the same time as Vaz reported that the latter had been tortured to death by the gendarmes. The family supported these allegations based on injuries to Vaz's head. There were no further developments at year's end.

On November 17, Abou Dia died while in police custody in the city of Matam. Dia was arrested and taken to the police station for identification. Shortly thereafter the police informed his sister that Dia was not feeling well. When the sister reached the police station she found Dia dead with marks of violence on his neck. The family accused the police of mistreating Dia, and causing his death. No prosecution was undertaken by year's end.

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

In 2008 the National Assembly and the Senate jointly amended the constitution to allow retroactive prosecution of genocide and crimes against humanity. During the year in July, the National Assembly passed a law introducing new provisions in the Code of Criminal Procedure giving defendants the right to appeal a case to the Cour d'Assises where only judges deliberate cases (see section 1.e.). These legal provisions lifted the last obstacles to the prosecution of former Chadian dictator Hissene Habre on charges of torture and crimes against humanity. Habre has lived in exile in the country for 20 years. However, the government continued to argue that Habre's prosecution could not take place without international donor funding. No further action was taken by year's end.

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

**SENEGAL**

For example, on December 1, three armed men tried to rob a woman in Thiaroye Tally Diallo, in the suburbs of Dakar. One was caught by a mob and beaten to death, another managed to escape while the third took refuge in a private home and was saved by the police. There were no prosecutions by year's end.

**Prison and Detention Center Conditions**

Prison and detention center conditions were poor, in part because no prisons have been built since the colonial era. The National Organization for Human Rights (ONDH) identified overcrowding and lack of adequate sanitation as major problems. There were 37 prisons with a total capacity of 3,000 prisoners. However, officials noted in July that there were in fact 7,139 prisoners. A UN Study Group on pretrial detention visited the country September 5-7 and found that Dakar's main prison facility, known as "Rebeuss," housed 1,592 inmates while its capacity was 800. The group criticized the use of 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 2,659 persons were being held in prison facilities in pretrial detention. There were 200 children being held with their mothers in prison.

Men and women were held in separate facilities. Prison conditions were generally inadequate due to lack of funding.

On May 15, three prisoners reportedly died at the prison of Oussouye. All three were reportedly sick and died after they were transferred to a local hospital.

Prisons lacked doctors and medicine. There was one mattress for every five detainees. Prisons experienced drainage problems and stifling heat, and were infested with bugs; food was of low quality. Prisoners suffered sexual assault.

Local nongovernmental organizations (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.

**SENEGAL**

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

On April 23, 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.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The police force includes 10 departments which constitute the Directorate General of National Safety. In each of the country's 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 security personnel involved in "political crimes, except those who committed assassinations in cold blood."

According to human rights groups, attorneys, and victims, security forces regularly extorted money from detainees in

**SENEGAL**

exchange for release, and from prostituted persons to overlook noncompliance with prostitution regulations.

The Criminal Investigation Department (DIC) is in charge of investigating police abuses. For example, during the year the DIC investigated the beating of journalists Boubacar Kambel Dieng and Karamoko Thioune who were beaten in June 2008 by a special forces unit of the police following a soccer match in Dakar. There were no further developments at year's end.

According to human rights groups, new members of the police force received training in human rights protection.

**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 to access to family; however, family access was not generally allowed. The accused has the right to an attorney at the accused's expense after this initial period of detention. Attorneys are provided at public expense to all criminal defendants who cannot afford one. A number of NGOs also provided legal assistance or counseling to those charged with crimes.

**SENEGAL**

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

Judicial backlogs and absenteeism of judges contributed to long pretrial detention. The law states that an accused person may not be held in pretrial detention for more than six months for minor crimes; however, persons were routinely held in custody until a court demanded their release. Despite the six-month limit on detention for most crimes, the average time between charging and trial was two years. In many cases persons are freed without charges being filed. In such circumstances there is no compensation paid by the state. During the year, a UN Study Group on pretrial detention criticized the country for its use of long pretrial detention (see section 1, Prison and Detention Center Conditions).

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

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence.

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



**SENEGAL**

Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. In 2008 the constitution was amended to reintroduce a Supreme Court. The new Supreme Court is the final court of appeal for all criminal and civil cases and is the highest judicial institution. Other components of the judiciary include the Constitutional Council, which has jurisdiction over all constitutional and electoral issues, and the Accounting Court, which has jurisdiction over financial and budgetary affairs.

In 2008 the government reformed the Cour d'Assises, a specialized court attached to the Court of Appeals, which meets twice a year to prosecute felony cases. Jurors were eliminated from the Cour d'Assises so that only judges deliberate on the cases. It is possible to appeal verdicts of the Cour d'Assises.

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

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

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

Trial Procedures

**SENEGAL**

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 in felony cases.

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

**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

On June 25, seven members of the youth movement of the political party AJ/PADS were detained by police in Point E. They were accused of attempting to hold a meeting at the headquarters of their party; the government has banned any form of activities there. The party spokesman called it an attempt to intimidate them and accused and accusing the government of supporting a dissident faction in the party.

**Civil Judicial Procedures and Remedies**

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Administrative remedies also can be sought by filing a complaint with the High Commission for Peace and Human Rights based in the Office of the President. However, corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems in enforcing court orders, since the government can ignore court orders without legal consequences.

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

**SENEGAL**

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

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

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

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

Government failure to enforce regulations on establishing media outlets and government-provided media assistance resulted in an increase of unprofessional and politicized media. Journalists

**SENEGAL**

and human rights groups maintained that some media outlets--such as the dailies *Express News* and *Le Messenger*, Ocean FM and radio stations Anur and RMD--were created solely to refute antigovernment criticism.

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

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

The government continued to perceive the media 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. In practice the government did not charge any journalist with libel during the year.

On September 11, the DIC interrogated journalist Pape Ale Niang for seven hours; he was subsequently released without being charged. Niang's Web site had aired an interview with Abdou Latif Coulibaly, author of a book on lack of transparency in public works bid tendering in which the president's son was allegedly implicated.

On September 18, Abdou Dia, a journalist with Radio Futur Media (RFM) and Pape Samba Sene, a correspondent for *l'As* newspaper in Kaolack were arrested and put in pretrial detention. They were charged with libel, broadcasting false news, and associating with criminals. The journalists had reported that the governor of Kaffrine and senior officials were involved in embezzlement of seeds provided to local farmers. On September 30, the two journalists were released; however, the case was still pending at year's end.

On September 25, a group vandalized the premises and equipment of the independent television station Wal Fadjri. The owner accused the government of being behind the attack. Following vigorous protest by journalists, civil society, and opposition

**SENEGAL**

parties, the prosecutor ordered an investigation. No arrests were made by year's end.

There were no developments in the 2008 cases in which journalists were intimidated, beaten, or jailed including the April death threats against the publisher of the weekly magazine *Weekend*, and the June police attack on journalists Boubacar Campbell Dieng and Karamokho Thioune.

*24 Heures Chrono*, which was suspended from publication in 2008, resumed publication on January 25. Editor Seck was pardoned by President Wade on April 24 and resumed work at the newspaper.

On April 23, the president pardoned the 12 men sentenced to jail terms of between five and six years for ransacking the premises of *24 Heures Chrono* and *L'As* in 2008.

**Internet Freedom**

There were no government restrictions on access to the Internet, or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet service providers and an estimated 2.3 million subscribers, the country had extensive online access. Cyber cafes were numerous in Dakar and often found in provincial centers. 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.

**SENEGAL**

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

There were no developments in the 2007 killing by Kolda police of Dioutala Mane, who had been participating in a demonstration protesting the death of Dominique Lopy in police custody. During the year there was no action taken against the Ziguinchor riot police who beat seven female elementary teachers in 2007.

**Freedom of Association**

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

**c. Freedom of Religion**

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. However, on August 21, the prefect of Dakar closed a United Methodist Church in the Nord Foire area on the grounds that it was disturbing neighbors. At year's end the church remained closed.

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

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

The government provided some financial support for both Muslim and Christian pilgrimages.

**Societal Abuses and Discrimination**

During the year there were no reports of societal violence or harassment, against members of religious groups.

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

**SENEGAL**

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf/>.

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.

On June 12, the governor of Ziguinchor increased military checkpoints and restricted night travel in northern Casamance following several car hijackings and the shooting of passengers by armed gunmen. Passenger vehicles were forbidden to use Road 4 between Bignona and Diacounda and Road 5 between Bignona and Selety at the Gambian border, from 7 pm to 06:30 m. Security forces continued to enforce this restriction at year's end (see section 1. a.).

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 27-year-old Casamance conflict, tens of thousands of persons have left villages in the region due to fighting, forced removal, and landmines, and many persons were reportedly displaced during the year in the region. The government estimated that there were approximately 10,000 IDPs in Casamance, although this numbers tends to fluctuate with the ebb and flow of the conflict. Some IDPs who attempted to return to their villages met hostility from MFDC combatants in rural communities south of Ziguinchor. Armed rebels survive on the same natural resources as returning IDPs, so rebels opposed the return of IDPs in certain areas.

**SENEGAL**

The government provided support to IDPs in Ziguinchor by supplying food and enrolling children in local schools.

**Protection of Refugees**

The country is a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its 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. The government generally granted refugee status or asylum, and provided refugees with food and nonfood assistance.

The government violated the rights of some asylum seekers by not offering them due process or security, since appeals filed by denied asylum seekers were examined by the same committee that examined their original cases, and a denied asylum seeker can be arrested for staying illegally in the country. Those arrested sometimes remained in "administrative detention" for up to three months before being deported. According to UNHCR, as of October there were 2,744 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. In 2008 UNHCR began a repatriation program of Afro-Mauritanians from the country to Mauritania. The program has to date returned 14,711 persons. According to UNHCR, as of October there remained 25,393 refugees in the country, of whom 24,617 were Mauritanians. In addition the government continued to permit generally unsupervised and largely informal repatriation.

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



**SENEGAL**

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right in 2007 presidential and legislative elections as well as the local elections held in March during the year. For the first time, military and paramilitary forces were allowed to vote.

**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 seats. International observers declared the elections to be generally free and fair. Opposition parties, organized under the umbrella organization "Front Siggil Senegal," boycotted the elections, resulting in a historically low turnout of 34.7 percent. Senate elections were held in 2007 and the PDS won 34 of the 35 contested seats. A total of 35 senators are indirectly elected by local officials and members of parliament; the remaining 65 senate seats are filled by the president. The main opposition parties boycotted the senate elections, since the majority of senate seats are appointed by the president.

The March 22 municipal elections led to significant victories for a multiparty opposition coalition. The mayors of Dakar, St Louis, Podor, Kaolack, Fatick, Thies, and Louga, as well as most of Dakar's major suburbs, are from various opposition parties. International observers declared the March elections to be generally free and fair, although there were instances of voter disenfranchisement. Additionally, many polling stations throughout the country opened late due to a lack of election materials and poor training for the presidents of the voting centers. For example, in the Dakar suburb of Pikine, voting materiel did not arrive at the polling stations until 5 p.m.,

**SENEGAL**

and the voting was extended for only two hours beyond the deadline.

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 four women in the 32-member cabinet. Only 13 percent of locally elected leaders were women. The 100-member Senate included 40 women.

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

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.

The World Bank's 2009 Worldwide Governance Indicators reflected that corruption was a serious problem, and there was widespread public perception of government corruption. The perception was exacerbated by officials granting themselves and National Assembly members and civil servants salary increases, vehicles, and land over the last few years.

The National Commission to Fight Non-Transparency, Corruption, and Government Fraud had no authority to investigate or prosecute. It remained inefficient in fighting corruption, and no government officials were prosecuted for the crime. However, in 2008 the government passed a law giving commission members financial benefits and extending their terms of office for another six years from 2007. Despite recurrent allegations of corruption in the media, the commission and the judiciary undertook no investigations.

During the year the government admitted that it made unauthorized extra budgetary commitments to businesses of approximately 175 billion CFAF (\$385 million). Private sector sources claimed that the real amount was closer to double the amount the government acknowledged.

**SENEGAL**

In August journalist Abdou Latif Coulibaly published a book outlining corruption in accepting bids on government procurement contracts for infrastructure projects managed by the National Agency for the Preparation of the Islamic Summit Conference. Coulibaly's allegations were never investigated by authorities and the government allegedly put pressure on local bookstores, which refused to distribute the book for fear of reprisals. 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 the authority to investigate abuses; however, it lacked credibility since it was poorly funded, did not meet regularly, and did not conduct investigations or release a report during the year.

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

Death threats against leaders of opposition political parties, unions, journalists, NGOs and even a senior official were common

**SENEGAL**

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 on women and children, often were not enforced.

On October 21, the prime minister announced the creation of a body to coordinate all matters dealing with discrimination. The Ministry of Justice was tasked to take all necessary actions to combat domestic violence.

**Women**

Rape was a widespread problem, while 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 ten years' imprisonment. A women's rights NGO criticized the lack of rape shield laws which allow the common practice of using a woman's sexual history to defend men accused of rape. Prosecutions for rape remained minimal since judges seldom had sufficient proof that rape occurred, especially when rape happens within a family. It is common to settle rape cases out of court to avoid the publicity and costs associated with prosecution. Ministry of Justice statistics estimate that 47 percent of accused rapists go unpunished and released without going to trial. According to a journalists' NGO, there were 400 documented cases of rape and sexual abuses during the year. However, almost 60 percent of persons committing incest and rape are never brought to justice because of familial ties.

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the NGO CLVF reported a rise in violence against women during the year. Violence against women is against the law, but the law was not enforced. The law

**SENEGAL**

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. During the year NGO "Action Aid" reported 167 cases of domestic violence on school girls.

Domestic violence against women is punishable by one to 10 years in prison and fines range between of 30,000 CFAF (\$66) to 500,000 CFAF (\$1,100), 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. Rape and pedophilia often occurred within the family household by close, older family members, making it difficult for victims to file law suits.

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

There were no government programs to combat domestic violence. According to NGO "GRAVE," the Ginndi center had 22 cases (including a case of incest, and a case of an 11-year-old girl who was raped and became pregnant). As of November 10, a total of 10 women had died from domestic violence, according to the CLVF local branch in Louga.

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

**SENEGAL**

suggested foreign prostitutes' entry into the country was professionally organized.

The law mandates prison terms of five months to three years, and fines of 50,000 to 500,000 CFAF (\$110 to \$1,100) for sexual harassment; however, the practice was common. The government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present sufficient proof to secure prosecutions.

In March a Frenchman managing a hotel in Saly in the Mbour Region, raped a 37-year-old female employee. His case was pending at year's end.

In April a soldier raped his 21-year-old domestic maid in the Mbour Region. In September he was sent to prison for five years.

In October a 70-year-old woman was raped by serial rapist Elabalin Diatta in the village of Kabendou in the Kolda Region. The rapist fled and was being searched for by the police and gendarmerie. He had not been arrested at year's end.

Under a 2008 decree, men and women have equal rights to apply for a job. The decree strengthens a previous 2005 law giving individuals the right to choose the number and spacing of their children, to a file law suit against domestic violence, and decide on the education of their children.

The law provides for the right of all individuals to be informed about and to choose methods for child spacing. It also provides for the right to access medical services to 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 these rights were constrained by poor medical facilities, particularly in rural areas, and in some urban areas where lack of funds led to the closing of maternity wards and operating rooms. Social and cultural pressures to have large families led some husbands to reportedly ask health workers to terminate the use of contraceptive by their spouses. This often

**SENEGAL**

led women to be discreet in the use of contraception. Men and women were diagnosed and treated equally for sexually transmitted diseases and HIV. Women did not have difficulty being diagnosed for HIV or receiving antiretroviral treatment where available. The country had one of the lowest HIV infection rate on the continent.

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. According to the law, a woman's approval is required for a polygynous union, but once in such a union, a woman need not be notified nor give prior consent if the man takes another wife. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to socio-cultural pressures and judicial reluctance to enforce the law.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of household when the father formally renounces his authority before the administration. However, it is now possible for women to take charge of their children and husband if he is medically unable to do so. This makes it particularly difficult for the 20 percent of families that are supported and led by women. Problems in traditional practices also made it difficult for women to purchase property in rural areas.

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

**Children**

Citizenship is acquired by birth or by naturalization; only the father can pass on nationality. All births are not registered at

**SENEGAL**

birth unless a parent requests it be done so, but failure to do so did not result in the denial of public service. In many rural areas parents seldom registered births. The process to register births only required a local judge to make a ruling based on oral testimonies.

The law provides for free education, and education is compulsory for all children ages six to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to efforts of the government, NGOs, and international donors, primary school enrollment reached 82 percent during the year.

Young girls encountered greater difficulties in receiving higher education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters rather than sons from school. Only 25 percent of women and girls over 15 years of age were literate, compared with 42 percent of boys and men.

Child abuse was common. Poorly dressed, barefoot young boys, known as talibes, begged on street corners for food or money for their Koranic teachers, known as marabouts. These children were exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely known and discussed. A 2008 joint study by the UN Children's Fund (UNICEF), the International Labor Organization (ILO), the World Bank, and a newly created NGO called Partenariat pour le Retrait et la Réinsertion des Enfants de la Rue or Partnership for the Withdrawal and the Reinsertion of Street Children (PARER), identified 7,800 child-beggars in the Dakar area. There were an estimated 50,000 child-beggars in the country. Most were around 10-years-old, although some as young as two were reported. In general they were undernourished and prone to sickness. Since they beg full time they devote almost no time to Koranic studies, and are forced to give the proceeds of their begging to their teachers. The average that each child was expected to collect per day was 400 CFAF (approximately \$0.88).

The law punishes sexual abusers of children with five to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for two to five



**SENEGAL**

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 CFAF (\$660 to \$8,790). However, the law was not effectively enforced in general. If the crime involves a minor younger than 13 years, the maximum penalty is applied.

Rape of children was a problem. The director charged with protection of children's rights reported that during 2006-07, there were an estimated 400 cases of rape.

In April an uncle raped his 14-year-old niece who became pregnant. The man was in jail awaiting trial at year's end.

On June 18, the Regional Court of Diourbel sentenced Layine Wilane to the maximum of 10 years' imprisonment for raping 12 girls and committing acts of pedophilia on 13 others. All his victims were minors. Wilane perpetrated his crimes in Touba and the victims were his students in the Koranic school he managed. A local psychologist, Serigne Mor Mbaye, who conducted his own investigation, concluded that the number of victims raped by Wilane exceeded 50 and that the police investigation was not thoroughly conducted.

In January a 60-year-old marabout named Mohamadou Thierno Diallo raped his two nieces (ages 13 and 15). The 13-year-old girl got pregnant. In September the marabout was convicted and sent to prison for ten years and fined 10,000,000 CFAF (\$22,000).

In May in Saly in the Mbour Region, a Nigerian trader raped a 14-year-old girl. In November he was sentenced to four years in prison.

In October serial rapist A. P. assaulted two students ages 12 and 13 years in the Thiaroye suburb of Dakar. In November he was convicted and sent to prison for two years.

There were no further developments in several 2008 rape cases of children including: the October rape of a 17-year-old girl in Dakar by a man posing as a policeman; the March rape of a 13-year-old girl in Keur Massar; and the May 17 rape of a nine-year-old girl in Guediawaye.

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

**SENEGAL**

womens' rights NGO stated that, of all cases of violence committed against girls, paternal incest was increasing the fastest.

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

FGM is a criminal offense under the law, carrying a prison sentence of six months to five years for those directly practicing it or ordering it to be carried out on a third person. However, many persons still practiced FGM openly and with impunity. The government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with the NGO Tostan and other groups to educate people about its inherent dangers.

On May 28, the Court of Matam sentenced a woman who had carried out FGM on a 16-month-old baby. The court also handed down the same sentence to the baby's grandmother, who had requested the FGM to be performed. The baby's parents received a suspended sentence of six months' imprisonment. After failing in their efforts to pressure government authorities to abandon the case, local religious groups influenced local persons to stone security force members.

Tostan reported that, 3,791 out of an estimated 5,000 communities had formally abandoned the practice by year's end. According to Tostan the movement to abandon FGM accelerated, with 60 percent of previously FGM-practicing communities in the country ending the harmful practice. The government adopted the TOSTAN model and approach to eradicating FGM. TOSTAN is working with 522 villages and aims to totally end FGM by year 2015.

Officials from the Ministry of Women, Family, Social Development, and Women's Entrepreneurship and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas, although child

**SENEGAL**

marriage is against the law. Girls, sometimes as young as nine-years-old, were married to older men due to religious, economic, and cultural reasons.

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

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

Prostitution is legal and there were reports of European tourists traveling to the Saly district of Mbour to procure the services of prostitutes. Procuring a minor for prostitution, however, is punishable by imprisonment for two to five years and a fine of 300,000 to four million CFAF (\$660 to \$8,791).

Pornography is prohibited and pornography involving children under 16 is considered as 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.

**Trafficking in Persons**

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

**SENEGAL**

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

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

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

The country was believed to be a transit point for women enroute to Europe for commercial sexual exploitation.

Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of five to 10 years' imprisonment and a fine of five to 20 million CFAF (\$10,100 to \$40,400). When the crime involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, prison terms range from 10 to 30 years. The government did not effectively enforce the law and there were no prosecutions for trafficking offenses during the year. There was no available data as to who were the principal traffickers.

Following an October 19 interministerial conference, the Ministry of Justice was put in charge of coordinating an inter-agency group to respond to human trafficking issues. The group includes representatives from the human rights commission, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship, the Ministry of Interior and a presidential adviser on childhood.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center in Dakar, a children's center where child trafficking

**SENEGAL**

victims received nutritional, medical, and other assistance. The center accommodated children from The Gambia, Mali, Guinea Bissau, and Guinea. The center also operated a toll-free child protection hotline that fielded many calls. With assistance from a foreign government, the police have established a trafficking in persons database. There were no government programs to protect or assist trafficked women.

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

**Persons with Disabilities**

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

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

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

In 2008 the government completed construction of five multipurpose social centers in the country as part of its five-year national program for community-based rehabilitation of persons with disabilities.

**SENEGAL**

## National/Racial/Ethnic Minorities

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

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

Homosexuality, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense, under article 319 in the Criminal Code. This article of the criminal code has been used to prosecute gays and lesbians who also faced widespread discrimination, social intolerance, and acts of violence.

On January 7, the court sentenced Diadji Diouf, director of AIDES Senegal, an NGO that provides HIV prevention services, and seven other men, to eight years in prison for committing unnatural sex and acting as a gang of criminals. They appealed the sentences and were released on April 20 after the court ruled that the evidence against them was inadmissible because the men were arrested in a private location in violation of the Code of Criminal Procedure.

On May 2, several young persons in the neighborhood of Darou Salam exhumed the body of Madieye Diallo believing that the deceased was gay and should not be buried in their cemetery. After the police intervened, Diallo's family reburied the body. However, when the police left, local persons re-exhumed the body and dragged it half-naked to the home of the bereaved family. The family reburied Diallo in a cemetery in Touba. There were no arrests or prosecutions by year's end.

On June 18, Amsa Gueye and Matar Gueye were arrested in Darou Mousty for performing unnatural sex acts. The gendarmes also arrested Ousmane Gaye, as well as two minors Massamba Gaye and Khadim Gueye. Khadim reported that a Thierno Wade forced himself on him. By year's end Wade had not been arrested. On August 12, the Regional Court of Louga sentenced Amsa Gueye to five years in prison for enticing a minor into vice and unnatural sex acts.

**SENEGAL**

Ousmane Gaye and Matar Gueye were found guilty of unnatural sex and sentenced to two years of imprisonment.

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.

While there was no reported discrimination against persons with albinism, many suffered and died due to lack of health care skin products. 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 lacks 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 trade unions by administrative order, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus the majority of the workforce. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40-50 percent belonged to unions.

The law provides for the right to strike, and workers exercised this right in practice. The law states that workplaces may not be occupied during a strike. Several strikes were staged during the year by transportation, health, education, bakery, and waste collection workers. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance.

b. The Right to Organize and Bargain Collectively

**SENEGAL**

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of union workers. Antiunion discrimination is prohibited by law, and no antiunion discrimination was reported during the year.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred (see section 7.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law bans the exploitation of child labor, and there are regulations on child labor that set the minimum working age, working hours, working conditions, and bar children from performing particularly dangerous jobs; however, child labor was a problem. Most child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize labor over education for their children.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws. There were also reports of children working on family farms or herding cattle.

In August 2008 the National Agency of Demography and Statistics published a national child labor survey which measured the economic activities of children during the prior 12 months. According to the survey 1,378,724 of the country's 3,759,074 children between the ages of five and 17 years worked. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick. Child labor is prevalent in many informal and family-based sectors such as agriculture, fishing, artisanal



**SENEGAL**

gold mining, garages, dumpsites, slaughterhouses, production of salt, and metal and wood working shops.

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

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

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

Inspectors from the Ministry of Labor were in charge of investigating and initiating lawsuits in child labor cases. Inspectors can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens. In practice inspectors did not initiate visits because of a lack of resources and relied on unions to report violators. Labor inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives. However, there were no statistics available on the number of violations found.

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

**SENEGAL**

labor. The government is 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 was implementing a program to help support 48 Koranic schools whose teachers do not force their students to engage in begging.

e. Acceptable Conditions of Work

The national minimum wage was 209 CFAF (\$0.45) 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 40-48 hours with at least one 24-hour rest period, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

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