

SENEGAL 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In 2012 voters elected Macky Sall as president for a seven-year term, in elections considered to be free and fair by local and international observers. On July 30, Sall's coalition won the majority of seats in the National Assembly. Local and international observers viewed the legislative election as largely free and fair despite significant irregularities.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included arbitrary and unlawful killings; torture and arbitrary arrests by security forces; harsh and potentially life-threatening prison conditions; lack of judicial independence; limitations on freedom of speech and assembly; corruption, particularly in the judiciary, police, and executive branches; lack of accountability in cases involving violence against women and children, including female genital mutilation/cutting (FGM/C); child abuse, early and forced marriage, infanticide, and trafficking in persons; criminalization of same-sex sexual conduct; and forced labor.

The government took steps to investigate, prosecute, and punish officials who committed abuses, whether in the security forces or elsewhere in the government, but impunity for abuses existed.

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a de facto ceasefire between security forces and armed separatists continued for a fifth year. Individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance (MFDC), however, continued to rob and harass local populations. There were occasional accidental contacts and skirmishes between security forces and MFDC units, leading to deaths and injuries of rebels, and harm to civilians, but neither side conducted offensive operations. Civilian authorities investigate such incidents where security conditions allow. There were no reports of prosecutions of members of the MFDC. Mediation efforts continued in search of a negotiated resolution of the conflict, which began in 1982.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was at least one report that the government or its agents committed arbitrary or unlawful killings.

On February 13, a customs officer shot and killed a protester in the village of Sekoto, in the eastern province of Saraya, during a clash with a group of local residents following authorities' seizure of unregulated gold mining equipment. The two customs officers involved in the case were taken into custody pending an investigation, which was still pending at year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices. Human rights organizations noted examples of physical abuse committed by law enforcement, including excessive use of force as well as cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip search and interrogation methods. Police reportedly forced detainees to sleep on bare floors, directed bright lights at them, beat them with batons, and kept them in cells with minimal access to fresh air. The government claimed these practices were not widespread and that it usually conducted formal investigations into allegations of abuse. Investigations, however, often were unduly prolonged and rarely resulted in charges or indictments.

As of October 23, the United Nations reported that it had received one allegation of sexual exploitation and abuse against Senegalese peacekeepers during the year. The allegation of transactional sex was made against 14 members of the Senegalese Formed Police Unit serving with the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); the incidents were alleged to have taken place between November 2016 and March 2017. As of October 23, the investigation was pending identification of the personnel involved. As an interim measure, the UN suspended payments to Senegal for the 14 members of the Senegalese Police Unit serving with MONUSCO who are under investigation.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and potentially life threatening due to food shortages, overcrowding, poor sanitation, and inadequate medical care.

Physical Conditions: Overcrowding was endemic. For example, Dakar's main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. Female detainees generally had better conditions than men. Pretrial detainees were not always separated from convicted prisoners. Juvenile boys were often housed with men or permitted to roam freely with men during the day. Girls were held together with women. Infants and newborns were often kept in prison with their mothers until age one, with no special cells, additional medical provisions, or extra food rations.

In addition to overcrowding, the National Organization for Human Rights, a nongovernmental organization (NGO), identified lack of adequate sanitation as a major problem. Poor and insufficient food, limited access to medical care, stifling heat, poor drainage, and insect infestations also were problems throughout the prison system.

According to 2016 government statistics, the most recent available, 25 inmates died in prisons and detention centers in 2016. While perpetrators may have been subject to internal disciplinary sanctions, there have not been any prosecutions or other public actions taken against them.

On August 23, inmate Aly Ba died in custody due to negligence on the part of prison guards at Liberte VI prison in Dakar. According to the Association for the Support and Reintegration of Prisoners, Ba died of an asthma attack after guards refused to provide medical intervention. The Prison Management Office subsequently announced that police had launched an investigation into Ba's death.

Administration: Authorities did not always conduct credible investigations into allegations of mistreatment. Ombudsmen were available to respond to complaints, but prisoners did not know how to access them or file reports. Unlike in previous years, authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but there was no evidence that officials conducted any follow-up investigations.

Independent Monitoring: The government permitted prison visits by local human rights groups, all of which operated independently, and by international observers. The National Observer of Detention Facilities had full and unfettered access to all civilian prison and detention facilities, but not to military and intelligence facilities. The national observer lacked funds to monitor prisons throughout the country. It previously published an annual report, but the 2015 and 2016 reports had not been published by year's end.

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

Improvements: Four prisons began implementing use of a new computer software system containing photographs and biometric data for each inmate, as well as medical information (accessible only by medical staff), date(s) of the inmate's arrest, of the last court appearance, and the next scheduled court appearance. Prison authorities intended to implement this system in all of the country's 37 prisons. In some prisons, authorities encouraged prisoners to paint murals on interior and exterior walls; some prisoners who participated in this activity and displayed good behavior obtained conditional release with prison authorities' support.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions. This was most notable in the months leading up to the July 30 legislative election when arrests that many perceived as arbitrary and politically motivated occurred.

Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained; however, this rarely occurred due to lack of adequate legal counsel.

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 National Police are part of the Interior Ministry and operate in major cities. The Gendarmerie is part of the Ministry of Defense and primarily operates outside of major cities.

Civilian authorities generally maintained effective control over police, gendarmes, and the army, but the government did not have effective mechanisms to punish abuse and corruption. The Criminal Investigation Department (DIC) is in charge of investigating police abuses but was ineffective in addressing impunity or corruption.

An amnesty law covers police and other security personnel involved in “political crimes” committed between 1983 and 2004, except for killings in “cold blood.”

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

Arrest Procedures and Treatment of Detainees

Unless a crime is “flagrant” (just committed or discovered shortly after being committed), police must obtain a warrant from a court to arrest or detain a suspect. In practice, police treat most cases as “flagrant” offenses and make arrests without warrants, invoking the law that grants them broad powers to detain prisoners for long periods before filing formal charges. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police officers, including DIC officials, may double the detention period from 24 to 48 hours without charge if they can demonstrate substantial grounds for a future indictment, and if a prosecutor so authorizes. If such extended detention is authorized, the detainee must be brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators may request that a prosecutor double this period to 96 hours. Authorities have the power to detain terrorist suspects for an initial 96 hours, and with renewals for a maximum of 12 days. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International criticized for the resulting lengthy detentions. Bail was rarely available, and officials generally did not allow family access. Until 2016 a detainee was entitled to a single 30-minute consultation with counsel while in custody. In November 2016 the government enacted changes to the Criminal Code and Criminal Procedure Code giving defense attorneys access to suspects from the moment of arrest and allowing them to be present during

interrogation; this change, however, was not regularly implemented. In theory an attorney is provided at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. In many cases, however, the appointed counsel rarely shows up, especially outside of Dakar. Indigent defendants did not always receive attorneys in misdemeanor cases. A number of NGOs provided legal assistance or counseling to those charged with crimes.

Arbitrary Arrest: In the period leading up to the July 30 legislative election, authorities arrested several high-profile opposition figures and their supporters. Many citizens believed these arrests were arbitrary and politically motivated.

In March authorities in Dakar arrested the city's mayor Khalifa Sall (no relation to President Sall), an opposition leader, on charges of embezzlement. Sall was subsequently elected to the National Assembly on July 30 while still in custody, and he remained in custody at year's end. Opposition figures and human rights advocates allege that Sall's arrest and continued incarceration, despite his election and subsequent parliamentary immunity, were politically motivated.

Pretrial Detention: According to a 2014 EU-funded study, more than 60 percent of the prison population consisted of pretrial detainees. According to official statistics, among the 9,422 registered prisoners in 2016, 4,383 were pretrial detainees. The law states an accused person may not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court demanded their release. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving allegations of murder, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases, pretrial detainees were held longer than the length of sentence later received. The November 2016 modification to the criminal code created permanent criminal chambers to reduce the backlog of pretrial detainees, with some success.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained; however, this rarely occurred due to lack of adequate legal counsel.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they openly questioned the government's commitment to judicial independence. According to *Freedom in the World 2016*, "inadequate pay and lack of tenure expose judges to external influences and prevent the courts from providing a proper check on the other branches of government. The president controls appointments to the Constitutional Council." Authorities did not always respect court orders.

On February 1, a member of the High Council of Magistrates resigned; in his resignation letter to President Sall, he pointed to practices on the council that he said undermined transparency and judicial independence, including a lack of council-wide meetings to deliberate on judicial appointments; instead, individual consultations between then justice minister Sidiki Kaba and individual council members were held.

Trial Procedures

Defendants enjoy a presumption of innocence and cannot be compelled to testify against themselves or confess guilt. All defendants have the right to a fair and public trial, to be present in court during their trial, to confront and present witnesses, to present evidence, and to have an attorney (at public expense if needed) in felony cases. Defendants have the right to be informed of the charges against them promptly and in detail with free interpretation as necessary from the moment charged through all appeals. They also have the right to sufficient time and facilities to prepare their defense. Nevertheless, case backlogs, lack of legal counsel, judicial inefficiency and corruption, and lengthy pretrial detention undermined these rights.

There were positive developments during the year. In May the Ministry of Justice directed all tribunals to release acquitted defendants forthwith, whereas previously acquitted defendants had remained in detention up to three days after acquittal. The penitentiary system also developed software to track pretrial detainees. The system is programmed to automatically notify the relevant tribunal when the pretrial detention time limits for a particular detainee are about to expire, prompting the court to schedule the case for hearing. The system also automatically deducts the time a detainee has spent in pretrial custody from the ultimate sentence imposed upon conviction.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial. A panel of judges presides over ordinary courts in civil and criminal cases.

The right of appeal exists in all courts, except for the High Court of Justice. 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. Citizens may also seek administrative remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In matters related to human rights, individuals and organizations may appeal adverse decisions to the Economic Community of West African States Court of Justice in Abuja, Nigeria.

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

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

g. Abuses in Internal Conflict

The de facto ceasefire in the Casamance has been in effect since 2012, and President Sall continued efforts to resolve the 35-year-old conflict between separatists and government security forces. Both the government and various factions of the MFDC separatist movement accepted mediation efforts led by neutral parties, including Christian and Islamic organizations. Progress toward resolution of the conflict has been incremental.

Killings: Although neither government forces nor MFDC rebels conducted offensive operations in the Casamance during the year, there were several brief, incidental skirmishes. An undetermined number of MFDC rebels were injured or killed in these encounters.

Abductions: There were no confirmed cases of abductions in the Casamance. There were, however, several incidents related to acts of banditry attributed to MFDC rebels in which civilians were detained or otherwise harmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but the government occasionally limited these freedoms.

Freedom of Expression: Blasphemy, security, and criminal defamation laws are in place and were occasionally enforced.

In May, four individuals were arrested in Dakar for sharing an explicit, photo-shopped image of President Sall's face on a naked man's body in a private Whatsapp message group. The defendants in the "Ouleye Mane case" (so-named after one of the defendants who is also a journalist), were subsequently charged with fabrication and distribution of "images contrary to good morals." Under Article 256 of the new penal code, the crime is punishable with one month to two years in prison and a fine of 25,000 to 300,000 CFA francs (\$46-\$551). In August, Mane and her associates were released on bail.

Press and Media Freedom: Independent journalists regularly criticized the government without reprisal. Private independent publications and government-affiliated media were available in Dakar, although their distribution in rural areas was irregular.

Radio was the most important medium of mass information and source of news due to the high illiteracy rate. There were approximately 200 community, public, and private commercial radio stations. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the process.

Although the government continued to influence locally televised information and

opinion through Radio Television Senegal (RTS), five privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the RTS executive staff.

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship, particularly in government-controlled media.

Libel/Slander Laws: The law criminalizes libel. Unlike in previous years, authorities did not use these laws to block or punish critical reporting and commentary.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 58 percent of individuals used the internet.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The government sometimes restricted freedom of peaceful assembly but generally respected freedom of association.

Freedom of Peaceful Assembly

The constitution and law provide for the freedom of assembly, but the government sometimes restricted this right. Some groups complained of undue delays in response to authorization requests for public demonstrations. Other groups were denied such authorization. This was particularly true for opposition groups in the months leading up to the July legislative election.

On March 24, authorities in Thies denied authorization for opposition group Mankoo Wattu Senegal to hold a rally in the city, forcibly dispersed the gathering, and arrested five opposition activists who were released later that day.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

The government 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 (IDPs), refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: MFDC banditry and the risk of landmines restricted movement in some parts of the Casamance.

Foreign Travel: The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary enforced this law, however.

Internally Displaced Persons (IDPs)

During the 35-year Casamance conflict, thousands of persons left villages in the region due to fighting, forced removal, and land mines. Some international humanitarian assistance agencies estimated the number could be as high as 20,000. During the year IDPs continued to return to their villages.

Protection of Refugees

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

The government did not offer all asylum seekers due process or security, since

appeals filed by denied asylum seekers were examined by the same committee that examined their original case. A denied asylum seeker can be arrested for staying illegally in the country, and those arrested sometimes remained in “administrative detention” for up to three months before being deported.

Durable Solutions: Since 1989 the country has offered protection to Mauritanian refugees, who were dispersed over a large area in the Senegal River valley along the Mauritania border and enjoyed free movement within the country. According to UNHCR, more than 80 percent of the remaining 13,000 Mauritanian refugees in the country have indicated a desire to remain in Senegal permanently. UNHCR and the government of Senegal were working to find durable solutions for this population.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

Temporary Protection: Temporary protection is available to asylum seekers and to refugees. The government grants temporary protection indefinitely to many persons who are not granted refugee status (e.g., Gambians).

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: President Macky Sall has held office since 2012. In legislative elections held on July 30, Sall’s coalition won a majority of seats in the National Assembly. Local NGOs and international observers, including those from the African Union, characterized the elections as generally free and fair, despite significant irregularities. Approximately 53 percent of voters cast ballots, a significant increase from the 36 percent who cast ballots in the previous legislative election in 2012.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. In 2010 the government passed a gender parity law requiring the candidate lists of political

parties to contain equal numbers of men and women for elected positions at all levels, from city councils to the National Assembly. In the July legislative election, all lists of candidates fully complied with the parity law. While the number of women in elected positions has increased, the law has not significantly expanded their role in exercising political authority since it does not apply to party leadership positions or to other important decision-making bodies such as the cabinet and the judiciary.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government often did not enforce the law effectively. Officials frequently engaged in corrupt practices with impunity. There were reports of government corruption during the year.

Corruption: In May 2016 the country's National Anti-Corruption Agency (OFNAC) published its first annual report, which concluded that bribery, misappropriation, abuse of authority, and fraud remained widespread within government institutions, particularly in the health and education ministries, the postal services, and the Transport Administration. The OFNAC president was dismissed two months later, and the organization did not publish any reports since.

In May, Abdoulaye Balde, the mayor of Ziguinchor and a former cabinet minister, appeared before an investigative judge at the Court for the Suppression of Illicit Enrichment (CREI). In 2015 the CREI froze Balde's assets pending the conclusion of the corruption investigation against him. The case remained pending at year's end.

In March a court in Dakar ordered the arrest of Khalifa Sall, the mayor of Dakar, on charges of misappropriation of public funds, criminal conspiracy, fraud involving public funds, and money laundering, stemming from an investigation into mismanagement of the city's "cash advance" fund. Although he led a major opposition coalition in the July 30 legislative election and was elected to the National Assembly, Sall remained in custody pending his trial.

Financial Disclosure: In 2014 the National Assembly passed a law requiring the president, cabinet ministers, speaker and chief financial officer of the National Assembly, and managers of public funds in excess of one billion CFA francs (\$1.83 million) to disclose their assets to the National Anticorruption Commission. Failure to comply may result in a penalty amounting to one-quarter of an

individual's monthly salary until forms are filed. The president may dismiss appointees who do not comply. Disclosures, except for the president's, made under the law are confidential, and unauthorized release of asset disclosures is a criminal offense.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative but rarely took action to address their concerns.

The United Nations or Other International Bodies: In May 2016 the Extraordinary African Chambers (EAC) sentenced former Chadian dictator Hissene Habre to life imprisonment for war crimes, crimes against humanity, torture, and sexual slavery. The EAC is a hybrid court established by the government in collaboration with the African Union, within the country's legal system, to try Habre as well as the other "persons most responsible" for international crimes committed in Chad during Habre's rule. In May the Appeals Chamber of the court upheld the lower court's guilty verdict of crimes against humanity and torture, but dropped the sexual slavery charges.

Government Human Rights Bodies: The government's National Committee on Human Rights included government representatives, civil society groups, and independent human rights organizations. The committee had authority to investigate abuses but lacked credibility, had limited funding, did not conduct investigations, and last released an annual report in 2001.

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

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by five to 10 years' imprisonment. Nevertheless, the government rarely enforced the law, and rape was widespread. The law does not address spousal rape. The law allows the common practice of using a woman's sexual history to defend men accused of rape.

The law criminalizes assaults and provides for punishment of one to five years in

prison and a fine. 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. Nevertheless, the government did not enforce the law, particularly when violence occurred within the family. Police usually did not intervene in domestic disputes. Several women's groups and the Committee to Combat Violence against Women and Children (CLVF) reported a rise in violence against women.

NGOs, including the CLVF, criticized the failure of some judges to apply domestic violence laws, citing cases in which judges claimed lack of adequate evidence as a reason to issue lenient sentences. NGOs also criticized the government's failure to permit associations to bring suits on behalf of victims and the lack of shield laws for rape.

The actual incidence of domestic violence, which many citizens considered a normal part of life, was thought to be much higher than the number of cases reported. The Ministry of Justice is responsible for combating domestic violence, but did not make public any programs to address rape and domestic violence. The government-run Ginddi Center in Dakar provided shelter to women and girls who were survivors of rape or early and forced marriage, and to street children.

Female Genital Mutilation/Cutting (FGM/C): The law provides criminal penalties for the perpetration of FGM/C on women and girls, but no cases were prosecuted during the year.

For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA francs (\$92 to \$919) for sexual harassment, but the problem was widespread. The government did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women

as for men. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance, were strongest.

The family code's definition of paternal rights also remained an obstacle to equality between men and women. The code considers men to be heads of household, preventing women from taking legal responsibility for their children. In addition, any childhood benefits are paid to the father. Women can become the legal head of household only if the husband formally renounces his authority before authorities or if he is unable to act as head of household.

While women legally have equal access to land, traditional practices made it difficult for women to purchase property in rural areas. Many women had access to land only through their husbands, and the security of their rights depended on maintaining the relationship with their husbands. In addition rural councils--where women often were underrepresented--allocated most land.

The Ministry of Women, Family, and Childhood has a directorate for gender equality that implements programs to combat discrimination.

Children

Birth Registration: Citizenship is acquired by birth or naturalization. In 2013 the government passed legislation which provides for equal rights for mothers and fathers automatically to transmit citizenship to their children. The law does not make birth declaration mandatory. Registering births required payment of a small fee and travel to a registration center, which was difficult for many residents of rural areas. For additional information, see Appendix C.

While children generally could attend primary school without a birth certificate, they need one to take national exams.

Education: The law provides for tuition-free, compulsory education for children between ages six and 16, although many children did not attend school due to lack of resources or available facilities. Students often had to pay for their own books, uniforms, and other school supplies.

Girls encountered greater difficulties in continuing in school beyond the elementary level. Sexual harassment by school staff and early pregnancy also caused the departure of girls from school. Many parents opted to keep their

middle- and high-school-aged daughters home to work or to marry rather than sending them to school, where predatory teachers could ruin their reputations and future marriage prospects. In recent years, however, there has been significant progress in reducing gender disparity at the middle- and high-school level.

Child Abuse: Child abuse remained common, particularly among talibes, students who were sent by their parents to study in Quranic schools, or daaras. At some daaras Quranic instructors exploited, physically abused, and forced children to beg on the street. A 2014 daara-mapping study found an estimated 54,800 talibes in the Dakar region alone. Of this number an estimated 30,000 were forced to beg up to five hours per day. A similar mapping during the year in Saint Louis found 14,000 talibes, with more than 9,000 forced to beg, according to Human Rights Watch. Most talibes appeared to be ages five to 10; some reportedly were as young as two.

According to Human Rights Watch, which on July 27 published the report “I Still See the Talibes Begging,” at least two talibes died as a result of abuse. In December 2016 one child in the Louga region died in a fire after being left chained in his daara, and in January the teacher was convicted of manslaughter and sentenced to three years in prison. In March a second child in the Diourbel region was beaten to death by his teacher; the teacher and another official from the boy’s daara were arrested and in November both were subsequently sentenced to five years in prison. The Human Rights Watch report also documented dozens of cases of talibes who suffered physical abuse by their Quranic teachers for failing to meet their begging quotas in the Saint-Louis and Dakar regions.

In February a 19-year-old teaching assistant known as a grand talibe was convicted and sentenced to one year in prison for sexually assaulting a 12-year-old talibe. Research conducted at the daara revealed that several other talibes had been sexually abused, but no further investigations were conducted and the daara remained open.

In March a Quranic teacher in Pikine was convicted and sentenced to 10 years in prison for the rape of three talibes, all approximately 12 years old. The teacher had repeatedly raped all three boys over an extended period of time. He had fractured the skull of one of the boys for protesting the rape. In November, five individuals were arrested in Dakar for abusing talibes. Overall, government efforts to address the abuse of talibes remained weak.

Early and Forced Marriage: By law women have the right to choose when and

whom they marry, but traditional practices restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but this law generally was not enforced in most communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation to a man to marry a girl below the age of consent.

According to women's rights groups and officials from the Ministry of Women, Family, and Childhood, child marriage was a significant problem, particularly in the more rural areas in the south, east, and northeast. The ministry conducted educational campaigns to address the problem. In November the government dissolved 12 child marriages in the region of Kolda. For additional information, see Appendix C.

Sexual Exploitation of Children: The law provides that convicted sexual abusers of children receive five to 10 years' imprisonment. If the offender is a family member, the maximum is applied. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million CFA francs (\$551 to \$7,352). If the crime involves a victim younger than 13, the maximum penalty is applied. The law was not effectively enforced, but when cases were referred to law enforcement, authorities conducted follow-up investigations. The minimum age of consensual sex is 18.

Pornography is prohibited, and pornography involving children under age 16 is considered pedophilia and punishable by up to two years' imprisonment and fines of up to 300,000 CFA francs (\$551).

Exploitation of women and girls in prostitution was a problem, particularly in the southeast gold-mining region of Kedougou. Although there were no reports of child sex tourism during the year, the country was considered a destination for child sex tourism for tourists from France, Belgium, and Germany, among other countries.

Infanticide or Infanticide of Children with Disabilities: Infanticide, usually due to poverty or embarrassment, continued to be a problem. In some cases, women's families shamed them into killing their babies. Domestic workers and rural women working in cities sometimes killed their newborns if they could not care for them. Others, married to men working outside the country, killed their infants out of shame. According to the African Assembly for the Defense of Human Rights, infanticide also occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. If police discovered the identity of the

mother, she faced arrest and prosecution for infanticide. According to a 2015 UN report, approximately 16 percent of women in detention in 2013 were imprisoned for infanticide. Moreover, infanticide represented 64 percent of the grounds for imprisonment of girls ages 13 to 18, according to the UN report.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but the government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

The government provided grants, managed vocational training in regional centers, and offered funding for persons with disabilities to establish businesses. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of such children in primary school. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities struggled to access voting sites. A 2012 law reserves 15

percent of new civil service positions for persons with disabilities.

The Ministry for Health and Social Action is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Ethnic groups generally coexisted peacefully. In the Casamance incidents of conflict between the Diola, the region's largest ethnic group, and the mostly Wolof Senegalese in the north continued to decline.

Discrimination against individuals of lower castes continued, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity.

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

Consensual same-sex sexual activity between adults, referred to in law as an "unnatural act," is a criminal offense, and penalties range from one to five years' imprisonment and fines of between 100,000 and 1.5 million CFA francs (\$184 and \$2,757); however, the law was rarely enforced. There are no laws to prevent discrimination based on sexual orientation or gender identity, nor are there hate crime laws that could be used to prosecute crimes motivated by bias against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

LGBTI persons faced widespread discrimination, social intolerance, and acts of violence. LGBTI individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape. LGBTI activists also complained of discrimination in access to social services.

While LGBTI individuals faced hardships, there were no high-profile arrests of LGBTI individuals during the year. This was a change from previous years, which saw several high-profile arrests of LGBTI individuals. Furthermore, during the campaign for the July legislative election, candidates did not engage in inflammatory anti-LGBTI rhetoric. This was a change from previous election cycles, in which candidates used such rhetoric to drum up support and divert attention from campaign deficiencies. LGBTI activists indicated that the overall situation in the country was calm with respect to the LGBTI community, and had improved slightly over the previous year.

There was no anti-LGBTI hysteria in the media during the year; media rarely reported acts of hatred or violence against LGBTI persons.

HIV and AIDS Social Stigma

The law prohibits all forms of discrimination against persons with HIV/AIDS, and the government and NGOs conducted HIV/AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS suffered from social stigma due to the widespread belief that such status indicated homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs due to fear their families would discover their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, except security force members, including police and gendarmes, customs officers, and judges. The law allows civil servants to form and join unions. Before a trade union can exist legally, the labor code requires authorization from the Ministry of Interior. Unions have no legal recourse if the minister refuses registration. Under the law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. Any change to the statutes of a trade union must be reported to and investigated by the Inspector of Labor and the Public Attorney. In addition the law provides that minors (both as workers and as apprentices) cannot organize without parental authorization. The state prosecutor can dissolve and disband trade unions by administrative order if union administrators are not following union regulations for what a union is supposed to be doing on behalf of its members. The law prohibits antiunion discrimination. The law allows unions to conduct their activities without interference and provides for the right to bargain collectively. Foreigners may hold union office only if they have lived in the country for five years and only if his or her country provides the same right to Senegalese citizens. Collective bargaining agreements applied to an estimated 44 percent of union workers. Unions are able to engage in legal proceedings against any individual or entity that infringes the collective bargaining rights of union members, including termination of employment.

The law provides for the right to strike; however, certain regulations restrict this

right. 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 workplaces may not be occupied during a strike, whether or not such strike is peaceful, and may not violate nonstrikers' freedom to work or hinder the right of management to enter the premises of the enterprise. This means pickets, go-slows, working to rule, and sit-down strikes are prohibited. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The government does not have any legal obligation to engage with groups who are planning to strike, but the government sometimes engaged in dialogue with these groups. The right to strike is restricted further by the power of authorities to requisition workers to replace those on strike in all sectors, whether or not they are "essential services" sectors. A worker who takes part in an illegal strike may be summarily dismissed. The government effectively enforced applicable laws on the right to strike. Penalties for noncompliance include a fine, imprisonment or both. Penalties were sufficient to deter violations. The labor code does not apply to the informal sector and thus excludes the majority of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses.

The government and employers generally respected freedom of association and the right to collective bargaining with restrictions. Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. Trade unions organize on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Although the law prohibits begging for economic gain, a provision of the penal code provides that "the act of seeking alms on days, in places, and under conditions established by religious traditions" does not constitute begging. Many provisions of the law impose imprisonment with compulsory prison labor as a penalty for noncompliance, such as for participation in strikes in "essential services," for occupying the workplace or its immediate surroundings during strike actions, or for breaching labor discipline deemed to endanger ships or the life or health of persons on board.

Following the president's announcement of a campaign against child begging in

mid-2016, authorities began removing children from the streets. This campaign continued during the year. The practice of forced begging, however, continued largely unabated, and there were no arrests, prosecutions, or convictions in connection with forced begging during the year.

The government did not effectively enforce applicable laws against forced labor, and such practices continued to occur, particularly forced child labor, including forced begging by children in some Quranic schools (see section 6). Some children in these schools (daaras) were kept in conditions of servitude, were forced to work daily, generally in street begging, and had to meet a daily quota for money (or sometimes sugar or rice) set by their teachers.

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

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations on child labor set the minimum working age at 15. The law prohibits many forms of hazardous child labor but includes exceptions. In the agricultural sector, for example, children as young as age 12 are permitted to work in a family environment when necessary. The law also allows boys under age 16 to work in underground mines and quarries doing "light work." Due to the nature of the dangers associated with mining, "light work" activities do not prevent exposure to hazards.

Inspectors from the Ministry of Labor are responsible for investigating and initiating lawsuits in child labor cases. The ministry's investigators can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens.

Labor laws prohibiting child labor were largely unenforced. The Ministry of Labor sent investigators to investigate formal work places, but they were not trained to deal with child labor problems. The Child Labor Division in the Ministry of Labor was severely understaffed and underfunded. Inspectors lacked adequate resources to monitor the informal sector, and no cases of child labor have ever been identified in the formal sector. There was no specific system in place to report child labor violations, largely due to inadequate funding of the Child Labor Division and the Ministry of Labor. The ministry instead relied on unions to report violators. The government conducted seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor and exploitative

begging.

Most instances of child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize work over education for their children. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick, where up to 90 percent of children worked. Child labor was prevalent in many informal and family-based sectors, such as agriculture (millet, corn, and peanuts), fishing, artisanal gold mining, garages, dumpsites, slaughterhouses, salt production, rock quarrying, and metal- and woodworking shops. In the large, informal, unregulated artisanal mining sector, entire families, including children, were engaged in artisanal mining work. Child gold washers, most between ages 10 and 14, worked approximately eight hours a day without training or protective equipment. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, at fruit and vegetable stands, and in other areas of the informal economy.

In 2015 data from the Understanding Children's Work Project's analysis of statistics from the Demographic and Healthy Survey highlighted that 22.3 percent of children between ages five and 14 worked. A predominant type of forced child labor was the forced begging by children sent to live and study under the supervision of Quranic teachers (see sections 6 and 7.b.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on national origin, race, sex, disability, and religion; violators are officially subject to fines and imprisonment, but these were not regularly enforced. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity. The government did not effectively enforce the antidiscrimination provisions of the law. Gender-based discrimination in employment and occupation occurred and was the most prevalent form of discrimination. Men and women have equal rights to apply for a job. Women represent 52 percent of the population, but they perform 90 percent of domestic work and 85 percent of agricultural work. The law requires equal pay for equal work, but women experience discrimination in employment and operating businesses (see section 6).

e. Acceptable Conditions of Work

The national minimum hourly wage was higher than the estimated poverty income rate of \$1.90 per day. The Ministry of Labor is responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of the minimum wage in the formal sector. The minimum wage provisions apply to foreign and migrant workers as well.

For most occupations in the formal sector, the law mandates a standard workweek of 40 to 48 hours, or 2,080 hours per year, with at least one 24-hour rest period per week, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. Night work is defined as activity between 10 p.m. and 5 a.m.; night workers should receive a supplementary rate of 60 percent for any night hours worked and 100 percent for any night hours worked on holidays. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required only in the formal sector. Legal regulations on industry-appropriate occupational safety and health exist, and the government sets the standards. Employees or their representatives have the right to propose whatever they assume will insure their protection and safety and can refer to the competent administrative authority in case the employers refuse.

The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector; those who violate standards are officially subject to fines and imprisonment, but these were not regularly enforced. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The number of labor inspectors was insufficient to enforce compliance. Violations of wage, overtime, and occupational safety and health standards were common. Due to high unemployment and a slow legal system, workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety. According to government statistics, there were 1,736 cases related to workplace accidents in 2015 (the majority of which took place in Dakar); the reality was likely much higher, as the official number does not take into account the large number of workplace accidents in the informal sector.