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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. President Abdou Diouf, who has been in office since 1981, was reelected to a 7-year term in 1993. Credible international observers reported favorably on the registration, campaigning, and polling phases of that election, and stated that observed irregularities in those phases did not materially affect the outcome; however, in the vote tabulation phase, the National Tabulation Commission could not reach consensus and its head resigned, indicating pressure from the Government. Members of the President's Socialist Party (PS) have occupied the presidency and dominated the unicameral legislature since independence from France in 1960, although opposition parties have been legal. In 1998 the Government amended the Constitution to create a second legislative chamber, a Senate, in which the President appoints one-fifth of the members, and an electoral college consisting largely of elected local and regional government officials choosing most of the others. In protest of this electoral system, most of the opposition parties boycotted the first senatorial elections held by the Government in January. The ruling Socialist Party won all seats in this election and the Government formally inaugurated the Senate in February. In May 1998, the PS won 50 percent of votes cast and 93 of 140 seats in elections for an expanded National Assembly. Unlike previous elections, these were supervised by a National Election Observatory (ONEL), independent of the Government. Although the elections were marred by violence and by persistent flaws in the electoral system, and although most international observers were not permitted to monitor them, they apparently were generally freer and significantly more transparent than previous elections. This included both the 1993 national elections and the country's first regional and local elections held in 1996, which were characterized by irregularities and fraud. Prior to the elections in March 1998, the Senegalese Democratic Party quit the Cabinet. In July 1998, President Diouf appointed a 32-member cabinet that included only 1 minister from an opposition party. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). In January the Government and the

leadership of the MFDC began a new peace initiative with a meeting between President Diouf and MFDC head Abbe Augustine Diamacoune Senghor. The MFDC leadership then held a conference--the "days of reflection"--in Banjul, the Gambia, in June to develop a unified position for advancing the peace process. On December 26, the Government and MFDC leaders met in the Gambia to begin negotiations on the future of the Casamance. During these talks, the two parties agreed to an immediate ceasefire in the Casamance. The parties also agreed to meet face to face at least once a month to negotiate a peaceful future for the region. At year's end, neither side had a concrete proposal to bring to the negotiating table; however, the parties developed a framework for discussion. The judiciary is independent, but subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. Recorded gross domestic product (GDP) per capita is estimated at about \$600 a year, but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of between 2 and 3 percent a year since 1995. Exports account for about one-third of recorded GDP, and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents an important part of the national budget.

The Government respected the rights of its citizens in some areas, but its human rights record was marked by serious problems in other areas. The Socialist Party's continued domination of political life calls into question the extent to which citizens can meaningfully exercise their right to change the Government. The ONEL improved transparency in the May 1998 legislative elections; however, persistent flaws in the electoral system remain. The Government's creation of a second legislative chamber, no members of which are to be elected directly by the citizenry and one-fifth of the members of which are to be appointed by the President, also reduced the ability of citizens to change their Government and increased the presidency's domination of the State. There were reports that security forces committed extrajudicial killings and were responsible for disappearances. Police tortured and beat suspects during questioning, and arbitrarily arrested and detained persons. Prison conditions are poor, and lengthy pretrial detention is a problem. The Government rarely tries or punishes members of the military, gendarmerie, or police for human rights abuses. The judiciary is subject to government influence and pressure and suffers from low salaries and insufficient resources. In the past, the police sometimes infringed on citizens' privacy rights. There were several instances in which the Government limited freedom of assembly. Domestic violence and discrimination against women, female genital mutilation, and child labor remained problems, although during the year the Government enacted important legal reforms to provide greater protection for women and children. Mob violence also is a problem.

Rebel MFDC forces reportedly were responsible for killings and torture.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. The incidence of violence in the southern Casamance region declined in the first half of the year after President Diouf and Abbe Diamacoune, leader of the MFDC rebel group, held a meeting in January in the regional capital of Ziguinchor to open dialog on a peaceful solution to the conflict. This calm continued to be marred by occasional acts of violence allegedly carried out by government forces. According to local press reports, on April 1, acting on a lead, government security forces stormed a house in the town of Thionck Essyl in the department of Bigona in search of suspected MFDC members. They shot and killed a young man who was fleeing from the house. This same report claimed that the deceased and his family had no connection with the separatist rebels.

In its annual report issued in July, the African Assembly for the Defense of Human Rights (RADDHO-a local human rights organization) claimed that on June 3, in response to a rocket launch attack by MFDC rebels on civilian targets in Ziguinchor, including the airport, government security forces took action to locate rebels in the surrounding area. During this clean-up operation, the security forces killed several persons suspected of rebel activity and also arrested several others whose whereabouts are now unknown. The RADDHO report further claimed that in a follow-up operation, government security forces used artillery fire to dislodge MFDC rebels in the areas of Nyassia, Niaguiss, and Mandina Mancagne. In the process, the security forces hit civilian targets and killed several civilians (see Section 1.g.).

While there were no new reported cases of death caused by civilian authorities this year, cases from previous years remained unsolved. In December 1997, a child was shot and killed in the Hann area of Dakar when police opened fire on a group that was demonstrating against an eviction order. In February 1998, police officers from the Thiaroye station in Dakar arrested and beat a young man after he tried to flee during an identity verification check. The young man died before receiving medical care, and the authorities listed the cause of death as natural. With the help of RADDHO, families of both of the deceased individuals filed legal complaints. According to RADDHO, the investigations in both cases still are pending, and in the latter case, did not begin until a full year after the death.

Forces belonging to the MFDC separatist group also were suspected of causing civilian deaths during the year. In a report on the Casamance published in June, Amnesty International (AI) charged that the MFDC rebels committed killings and torture of dozens of civilians. According to AI, MFDC guerillas, who belong mainly to the Diola ethnic group, occasionally targeted members of other ethnic groups, such as the Mandingo, Balante, Manjak, and Mancagne, whom they viewed as unsympathetic to their cause. AI also charged that MFDC shelling killed civilians (see Section 1.g.). According to AI, the MFDC also executed government security forces it had taken prisoner.

In January three members of the MFDC allegedly attacked several persons in Gambissara, killing a Mauritanian merchant and his son.

In its annual report, AI reported that in February MFDC rebels killed seven fishermen in the village of Saloulou and, in a separate incident, killed six persons in the village of Singuere. In both cases the rebels allegedly killed the villagers because of their support for government authorities.

MFDC rebels allegedly shelled civilian targets between April and June, injuring 11 persons and killing 6 (see Section 1.g.).

In a February 1998 report, AI alleged that several mass graves for victims of extrajudicial killings exist in Niaguis and at Niamalang bridge. According to AI, an unknown number of civilians have been killed by civilian authorities or soldiers and have been buried secretly in these mass graves since the early 1990's. There has been no independent confirmation of these allegations.

On many occasions vigilante groups and mobs lynched suspected thieves. According to press reports quoting a government official, vigilante violence increased during the year. In July alone, the Government recorded 30 cases of mob violence against suspected thieves in Dakar. During the year there was also at least 1 credible report of the use of "necklace punishment," whereby a gasoline filled tire was put over the head of the mob's victim and set on fire. This and other types of mob violence generally remain unpunished.

b. Disappearance

There were no reports of politically motivated disappearances during the year. However, there were several credible reports of disappearances in connection with the conflict in the Casamance. In its 1999 annual report, RADDHO accused security forces of responsibility for the disappearance of seven civilians in June after a military clean-up operation following a rebel mortar attack in Ziguinchor (see Section 1.a.).

RADDHO also alleged that following fighting in the Casamance in April, the military rounded up 15 suspected MFDC rebels and detained them for several days. Most of the suspected rebels were released after 4 days; however, three persons remained unaccounted for at year's end (see Sections 1.c. and 1.d.). In September a group of Casamance professionals helped family members of two missing individuals file legal complaints against security forces for abduction. According to the complaint, on July 18, security forces took a young man, Alexis Etienne Diatta, from his house in the Tile central area of Ziguinchor. The abduction was witnessed by his father, who was beaten when he tried to stop it. The father claims that a military authority told him that Alexis was taken for having treated rebels in his job with the Red Cross. On August 4, a group of soldiers allegedly abducted Jean Diandy and Gaston Sagna. According to Sagna, who was released shortly thereafter, the soldiers took Diandy to the military camp in Ziguinchor. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding any trace of either person. Government investigations into both disappearances reportedly are underway.

RADDHO also alleged that government security forces abducted two civilians in September and December 1998 respectively. Their whereabouts remain unresolved.

Disappearances reported in previous years by RADDHO and AI remain unresolved.

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

There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment. The press repeatedly reported instances of torture perpetrated by police, usually beatings, and the problem remained a serious public concern. The 1999 AI report charged that security forces committed torture in the Casamance in 1998 (see Section 1.a).

On March 7 and 15, police officials forcibly dispersed unauthorized student demonstrators who were calling for more government scholarships from the campus of Dakar University. According to press reports and student witnesses, after breaking up the demonstrations police stormed student dormitories, beat up the occupants, and smashed windows and other property (see Sections 2.a. and 2.b.).

In June police forcibly dispersed a demonstration by opposition political parties and slightly injured an opposition leader (see Section 2.b.).

According to RADDHO, prison officials beat at least some of the 15 suspected MFDC rebels who were detained by police after fighting broke out in the Casamance in April (see Sections 1.b. and 1.d.).

Government action to resolve the October 1998 case of alleged rough, abusive, and inhuman treatment of RADDHO's Casamance regional office head, Ankillung Diabone, by security forces remained pending during the year. According to RADDHO, the Government opened an investigation that it could not complete without interviewing Diabone, who went to France and has declined to return.

Despite stronger legal provisions against torture put in place in 1997, the Government rarely undertakes investigations or prosecutes officials allegedly responsible for such acts. Those cases that are pursued often take years before final judgment is reached. There has been no progress in the case of the two police officers arrested in 1996 for torturing a suspect by spraying paint thinner on his buttocks and setting him on fire.

The special AI report on the Casamance issued in June charged the MFDC with beatings and other acts of violence against civilians. According to AI, dozens of civilians, including women and children were killed, tortured, and subjected to inhuman treatment by the MFDC.

Prison conditions are poor. Prisons remain overcrowded, and food and health care are inadequate. However, there have been no reports of deaths in prison as a result of these conditions.

The Government permits prison visits by independent human rights monitors. Local human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), and the International Prison Observatory sometimes visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times violate these constitutional prohibitions.

The law specifies that warrants, issued by judges, are required for arrests. However, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. There is a system of bail, but it rarely is used. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. Government-sponsored legislation passed in January enhanced the rights of the accused by according the right to an attorney after this initial period of detention. Previously this right was accorded only after formal charges were filed. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. The new legislation also gave judges the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period.

On April 8, military personnel arrested three soldiers who participated in a demonstration several days earlier protesting the Government's failure to pay them for their recent military service in the Central African Republic (see Section 2.b.).

Following fighting in the Casamance in late April, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, three remained unaccounted for at year's end (see Sections 1.b. and 1.c.).

A July 1998 work-to-rule strike by electrical union workers that caused severe power outages resulted in charges of sabotage against the union and the arrests of union leader Mademba Sock and 26 other persons. They were held incommunicado for 3 days and detained for 5 days without charges. A subsequent trial resulted in a judge sentencing Sock and one of his aides to 6 months' imprisonment for conspiracy to disrupt law and order, but dismissing charges against 25 others after they had been detained for 5 months. Sock and the aide appealed their convictions after the sentence handed down by the lower court had been served almost fully. The Court of Appeals upheld the conviction. Sock and the aide were released in January after serving their 6-month sentences.

On February 12, the Government released 123 suspected MFDC members who had been detained in Dakar, Ziguinchor, and Kolda without trial, some for several years, on grounds of compromising or plotting against the security of the State. The courts ordered

their release following the January meeting between President Diouf and MFDC leader Abbe Diamacoune, which was the beginning of an effort to establish a peace process in the Casamance. The MFDC had demanded the release of all political detainees in connection with the Casamance conflict as a condition for dialog. According to an AI report issued in June, 110 suspected MFDC rebels remained without trial in prisons throughout the country; however, on December 30 the Government released 44 persons who had been detained in connection with the Casamance conflict.

In January the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to \$2,500 (1.5 million CFA francs). Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits exile, and it is not used.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the three created in May 1992 to replace the Supreme Court: The Council of State for Administrative Questions; the Constitutional Council; and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including one to deal with unlawful enrichment and others to try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they are involved in violations of military law committed by military personnel.

In principle the accused is innocent until proven guilty, and when brought to trial it is the State's burden to prove that the accused is guilty of the charges. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and his lawyer have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases citizens also serve on the panel.

There were no reports of political prisoners at year's end. In March a court in Dakar

sentenced Talla Sylla, leader of the Jeff Jel opposition party, to 6 months in jail for having insulted the Head of State. Two other charges, inciting insurgency and spreading false news, were dropped. Sylla had been arrested and jailed in 1998 after telling a political rally that "the Socialist Party is led by Abdou Diouf whose policies are criminal and detrimental to the survival of our people." Sylla was released shortly after sentencing due to the length of his pretrial detention.

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

The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. However, in past years, during high-profile or politically charged investigations, police often proceeded without the required search warrants. There were no reports of this during the year.

There were no reports that government officials monitored mail or telephone communications without judicial authorization.

MFDC rebels sought to collect supplies and money from civilians.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

RADDHO reported in July that government security forces hit civilian targets with artillery fire and killed several civilians (see Section 1.a.).

According to RADDHO, MFDC rebels fired rockets at civilian targets in Ziguinchor in June (see Section 1.a.).

MFDC rebels allegedly shelled civilian targets between April and June, killing 6 and injuring 11 civilians (see Section 1.a.).

In its annual report published in July, RADDHO alleged that MFDC rebels were responsible for the widespread and indiscriminate use of land mines in the Casamance. According to RADDHO the rebels planted the mines in an effort to terrorize both the government security forces and the civilian population. Although it was difficult to determine the extent of their use in the Casamance, RADDHO claimed that up to 80 percent of the arable land in the areas of Ziguinchor, Sedhiou, Oussouy, and Bignona were unusable due to the land mines. RADDHO also estimated that between 1997 and 1998 land mines killed and injured some 500 civilians in the Casamance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. Laws prohibit the press from the expression of views that "discredit" the State, incite the population to disorder, or disseminate "false news." In 1997 the Dakar Prosecutor General charged the publisher and three journalists of *Sud Quotidien*, a privately owned daily newspaper, with "disseminating false news" and "insulting the Head of State." The paper had criticized President Diouf for attempting

to influence the judiciary by holding a nationally televised awards ceremony to honor two businessmen 5 days before the Court of Appeals was due to return its decision on a defamation case those businessmen had brought against the newspaper's parent company, Sud Communication. This defamation suit resulted in a fine of \$800,000 (500,000,000 CFA francs), which was upheld in June by the final Court of Appeals. However, neither the plaintiff nor the Government made any effort to enforce this decision. The separate but related criminal case against the three Sud Communication journalists still was pending trial, and the three accused remained free on bail.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approves such registrations.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Five privately owned radio stations broadcast within the country; of these, four are owned by citizens of the country. There are also three international stations that rebroadcast within the country. In January a new independent station in Dakar, 7 FM, began broadcasting nationwide. Another independent and locally owned station, Diamono, began broadcasting in the Dakar region only, along with two community-owned radio stations in Pikine and Keur Momar Sarr. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government, and no harassment was reported. Prior to December, the state radio and television company retained a monopoly in the allocation of frequencies and licensing of private radio stations, and independent stations had to pay fees to the state company, which infringed on the principle of free competition. However, in December the Government transferred this authority from the state company to an independent agency.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television is available but offers no local news.

On August 1, in the city of Thies, some followers of a local Islamic leader belonging to the Mouride Brotherhood set fire to the bedroom of the local correspondent of a Dakar-based daily newspaper. They allegedly were angry over an article that the journalist had written that was published on July 30. The article reported that the religious leaders had initiated a failed mediation between two rival local leaders of the ruling Socialist Party. While the Government opened an investigation, there were no arrests or criminal charges brought against those responsible. The journalist initially pressed civil charges but later withdrew them after reportedly reaching an out-of-court settlement.

At year's end, at least seven Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost about \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

Academic freedom is generally respected. However, student meetings on part of the

campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. In March on two occasions, police forcibly dispersed, and destroyed the property of, students demonstrating on the campus of Dakar University in favor of increased scholarships (see Sections 1.c. and 2.b.). In December police personnel also forcibly dispersed similar protests by students demanding immediate payment of scholarships (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were several instances in which the Government limited this right. The Government requires prior authorization for public demonstrations, which it usually grants. Meetings by students on the academic campus of the University of Dakar are banned informally, but this prohibition does not extend to the dormitory areas of the campus.

In March and December police officials forcibly dispersed two unauthorized student demonstrations (see Sections 1.c. and 2.a).

In April between 40 and 50 recently returned from duty with MINURCA, the U.N. multinational peacekeeping force in the Central African Republic, barricaded one of Dakar's main thoroughfares, bringing traffic to a halt for 3 hours; the soldiers demanded payment of the allowances to which they were entitled for their military service in MINURCA. Several days later, military police agents arrested three soldiers who participated in this protest (see Section 1.d.).

During the year, the Government frequently denied authorization for public demonstrations by unions or political parties. On February 3, police dispersed a sit-in at the Ministry of Communication organized by the National Journalists' Union (SYNPICS). The leadership of SYNPICS claimed that it had complied with all legal procedures for holding the demonstration. On June 30, police forcibly dispersed a demonstration organized by opposition political parties to demand the resignation of the newly appointed president of the National Observatory of Elections. Police detained and subsequently released four opposition leaders, including members of the National Assembly, slightly injuring one of them.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the Ministry of Interior. Business-related associations register with the Ministry of Commerce. By law and in practice, the Ministry of Interior must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this is not regularly enforced in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles.

In January after President Diouf's meeting in Ziguinchor with the MFDC leader Abbe Diamacoune, the Government announced that it had lifted controls on his movement, although it continued to provide him with a close security escort, stating that it was for his own protection. In June the Government allowed Abbe Diamacoune and other members of the MFDC rebels to travel unhindered to Banjul in the Gambia for a conference-the "days of reflection"-on the peace process in the Casamance. At that conference, the MFDC set out as one of its preconditions for a continued dialog with the Government the unrestricted movement of its leader. In July the Minister of Interior met with Abbe Diamacoune in Ziguinchor and presented him with a valid Senegalese identity card and passport. In late July, Abbe Diamacoune again traveled to Banjul to meet with MFDC military leaders.

The law includes provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1989 as a country of first asylum, Senegal has hosted Mauritanian refugees. The Government cooperates with the UNHCR and other humanitarian organizations in providing assistance for refugees. The UNHCR reported no significant protection problems for these refugees. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. As a result, the UNHCR terminated its assistance programs for Mauritanian refugees at the end of 1998, although it continued to provide protection services. The Mauritanian refugees generally live in dispersed locations along the length of the Senegalese-Mauritanian border and are allowed free movement within Senegal. However, most of these refugees are unable to obtain current refugee documents from the authorities and sometimes encounter administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 remain in the country.

In June 1998, following the military rebellion in Guinea-Bissau, the country accepted up to 2,000 refugees, approximately 700 of whom the Government housed in a camp in Thies with the support of the UNHCR. After a coup d'etat brought an end to a standoff in that conflict in May, the UNHCR closed the camp and organized a repatriation, which returned over 800 refugees from Guinea-Bissau to their country. Others returned on their own, while several hundred chose to remain in Senegal, living with relatives or on their own.

There were no reports of the forced return of persons to a country where they feared

persecution.

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

Citizens have the constitutional right to change their Government through periodic multiparty elections; however, the Socialist Party's domination of political life--it has held power since independence--and irregularities and fraud in elections have called into question the extent to which citizens can meaningfully exercise this right. The Government's creation of a second legislative chamber, no members of which are to be directly elected by the people and one-fifth of the members of which are to be appointed by the President, further reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In 1998 the National Assembly passed legislation proposed by the Government to increase its membership from 120 to 140 in order to equalize the number of deputies elected by simple majority vote in the districts and by proportional representation nationwide. In the May 1998 parliamentary elections, the ruling PS received 50.1 percent of the votes cast and secured 93 of the 140 seats. There are 35 legally registered parties. The 32-member Cabinet that President Diouf appointed in July 1998 included only 1 minor opposition leader.

Also in 1998, the National Assembly passed a bill that created a second legislative chamber, a 60-member Senate. Forty-five of its members are elected by an electoral college on the basis of dual proportional and majority systems and regional slates. The electoral college has 13,920 members consisting of elected local government officials and members of the National Assembly. The President appoints 12 members of the Senate and the remaining 3 are elected from slates representing several associations of expatriate Senegalese. Most major opposition parties decided to boycott the first Senate election held in January under this electoral system because the ruling party's domination of elected local and regional offices gave opposition parties little chance of winning Senate seats. With the exception of two minor party members who filled an appointed seat, the new Senate, inaugurated in February, is entirely made up of PS members.

In 1997 the Government created the National Observatory of Elections to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The Interior Ministry remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the May 1998 National Assembly elections, despite persistent flaws in the system. The Government disbanded the ONEL after its mandate expired with the submission of its final postelection report to President Diouf. This comprehensive report identified areas for improvement to make the process more transparent, including an overhaul of the elections rolls and better control over the activities of the commissions responsible for voter registration and distribution of voter cards. The Government and opposition parties agreed to revise the election rolls but continued to disagree on proper procedures. Constitution of the election rolls in preparation for the presidential elections in February 2000 continued to generate political controversy during the year.

In April President Diouf established a new ONEL as required by the election law and

appointed a retired army general as its president. The major opposition parties opposed this appointment, alleging in a legal complaint brought before the Council of State that President Diouf had violated the election law, which excludes from membership in the ONEL members of groups supporting, or direct relatives of, at least one candidate in the election. The opposition claimed that the general headed a group organized to support the reelection of President Diouf. After several months of legal proceedings and contentious public debate, the general, who denied membership in the group, resigned before the Council of State issued its legal ruling in the case. President Diouf subsequently appointed another ONEL president, Louis Pereira De Carvahlo, who was sworn in on July 30.

During the year, the ONEL investigated and took legal action in several highly publicized cases of document fraud related to the voter registration process. Due to the existence of the ONEL, the Government more stringently enforced the section of the electoral code governing the distribution of voter cards. The electoral code requires each person to pick up a voter card. However, this section of the code was not always enforced; in practice third parties were allowed to pick up voter cards, and they sometimes did not distribute them to the proper voter. At year's end, voters are required to pick up their own voter cards at sites that are monitored by members of ONEL and the political parties.

In December the ruling PS Government proposed introducing legislation that would amend the electoral code. The proposed changes would halt distribution of voter cards 48 hours prior to election day and would decrease the number of monitors present at each polling station. Due to strong opposition to these proposals, the Government had not yet introduced this legislation at year's end.

In 1996 the PS won control of all 10 regional governments and many local governments in the country's first subnational level elections, which were marked by credible allegations of widespread fraud and procedural irregularities, gerrymandering, illegal fundraising, and voter list manipulations. Due in part to the flaws in these elections, the Government's decentralization program has had limited success in defusing the secessionist rebellion in the Casamance region (see Section 5), which continued to give rise to many abuses (see Sections 1.a. and 1.c.). Officials chosen in these widely flawed elections also made up the bulk of the 13,920-member Electoral College that chose most members of the newly created Senate in January.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package of ballot papers, one for each candidate. Each citizen votes by depositing into a sealed ballot box, alone inside a closed booth, an envelope containing one of these ballots. In the same booth, a trash receptacle is provided in which the voter may privately dispose of the unused ballots; however, polling officials cannot readily ensure that this is done. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

Women are underrepresented in the political process. While there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. Only 5 of the 32 ministers in the President's Cabinet are women, and there are

only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. During the year, a woman, Marieme Wane Ly, formed and headed a political party. In the past, no women headed political parties. Only 18 female deputies hold seats in the 140-member National Assembly. There are only 10 women in the newly elected 60-seat Senate. Women's lower representation reflects not only a disparity in education (see Section 5) but also cultural factors. Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

In the most recent national elections in May 1998, the Government declined offers of organizational and monitoring assistance from international organizations.

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. It may on its own initiative investigate human rights abuses, including torture, but it did not investigate any cases of abuse during the year.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimination against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

Women

There are credible reports that violence against women, usually wife beating, is common. Several women's groups have formed to address this problem. Police usually do not intervene in domestic disputes, and most people are reluctant to go outside the family for redress. In contrast, the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. In January the Government passed legislation amending the criminal law to make sexual harassment a crime punishable by imprisonment of up to 3 years and a fine of \$88 (500,000 CFA francs). The legislation also increased the potential fine to \$833 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years.

Despite constitutional protections, women face extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny and Islamic rules of inheritance, are strongest, and women generally are confined to traditional roles. By law, women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. There is no minimum age of consent to marry, marriages are sometimes arranged in some communities, and in polygynous unions women do not have the right of notification or approval prior to a

subsequent marriage. In the countryside, women perform much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there is still much social and official discrimination against women in educational opportunities. Only 23 percent of females over 15 years of age are literate, while the rate for males over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover, traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). About half of all women live in polygynous unions.

In urban areas, women encounter somewhat less discrimination and are active in government, political life, the legal profession, and business. About 14 percent of lawyers are women. Urban women are more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women receive equal pay for equal work.

In September 1998 the Ministry of Family, Social Action, and National Solidarity announced plans to create a national center for women's rights. The decision arose from a ministry-sponsored workshop on the promotion of the legal status of women and elimination of all forms of discrimination. The Observatoire National des Droits de la Femme (ONDF), as the center is to be called, has as its mandate the "control, protection, and promotion of the status of women and girls; information, education, and awareness." It is to have members from both the Government and civil society.

Children

The Ministry of Family, Social Action, and National Solidarity, established in 1990 (formerly the Ministry of Women, Children, and the Family, and renamed in 1998), is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continues to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that children attend school until age 12, but this is not enforced due to a shortage of schools. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

In January the Government passed legislation banning the practice of female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The law made FGM a criminal offense carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders

also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban. On July 27, the public prosecutor in Tambacounda ordered the arrest of the grandmother and mother of a 5-year-old girl following a complaint filed by the girl's father alleging that the two women had ordered FGM performed on his daughter. The FGM practitioner also was charged.

FGM is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of Toucouleur and Peulh ethnic groups, particularly those in rural areas. Unsubstantiated recent studies estimate that between 5 and 20 percent of girls undergo the procedure.

In January the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles. People With Disabilities

There are no laws that mandate accessibility for the disabled, and in practice most persons with disabilities are generally unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities that would make such participation possible.

National/Racial/Ethnic Minorities

The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandink, and Soninke. Each group has its own primary language although French and Wolof are widely used as secondary languages. While general regions of origin can be identified for most ethnic groups, these regional separations are no longer distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to recent human rights abuses, and opposition to the Government has generally taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. This has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country to the north of The Gambia. Resentment on the part of Casamance groups including the Diola of domination by northerners including the Wolof reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a. and 1.c.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program in accommodating aspirations for greater regional and ethnic autonomy.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association,

and they are free to form or join unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. While the Ministry does not always grant initial recognition to a union, once it gives recognition, the Ministry virtually never withdraws it. However, the Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million is almost totally unionized. The only union in the agrarian sector is one representing workers at a privately owned sugar company. Some farmers are organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, has close ties to the ruling Socialist Party, and union members hold a considerable number of government positions. One is a PS minister, and several others hold PS seats in the Assembly. While ostensibly an independent organization, the umbrella CNTS consistently supports government policies.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute but cannot stop the strike. There were numerous legal strikes during the year. In late June, a loose confederation of nine trade unions called the country's first nationwide strike since 1993. Workers demanded a salary increase, lower taxes, and the creation of a national health fund. The 2-day strike was peaceful and the Government acceded to most of the workers' demands. Regulations prohibit employers from retaliating against legal strikes, and these regulations are enforced through the labor court.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and is the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

The law provides unions with the right to organize and to bargain collectively, and these rights are protected in practice. There are also legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

c. Prohibition of Forced or Compulsory Labor

There were no reports of forced labor, which is prohibited by law. The Constitution prohibits child labor of all kinds, and the Government enforces this ban in the formal sector. There is no evidence that forced or bonded child labor takes place in the informal or agricultural sectors.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans child labor of all kinds, and the Government enforces this ban in the formal sector, which is under the purview of the labor law. There is no evidence that forced or bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.). However, instead of attending school, many children work in their family's fields.

The minimum age for employment is 16 years for apprenticeships and 18 for all other types of work. Inspectors from the Ministry of Labor closely monitor and enforce these restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the age of 16 frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations.

e. Acceptable Conditions of Work

Legislation mandating a monthly minimum wage has been in force since the country's independence in 1960. The Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. As a result of negotiations held in September, the minimum wage increased by 7 percent. At \$0.37 (223.7 CFA francs) per hour it is still not adequate to provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are incorporated into the Labor Code and are supervised by inspectors from the Ministry of Labor. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom is exercised in circumstances of high unemployment and a slow legal system.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were

trafficked in, to, or from the country.

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