



Senegal

Country Reports on Human Rights Practices - [2006](#)

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Senegal, with an estimated population of 11.9 million, is a moderately decentralized republic dominated by a strong presidency. In 2000 Abdoulaye Wade, backed by a coalition of opposition parties, became president in an election generally viewed as free and fair. The National Assembly was elected in 2001 in a free and transparent election. The civilian authorities generally maintained effective control of the security forces.

The government generally respected citizens' rights; however, there were problems in some areas. Detention and imprisonment of political opposition figures occurred. Cruel and degrading treatment of detainees and prisoners and overcrowded prisons were problems. Questionable investigative detention and prolonged pretrial detention existed. Corruption and impunity were problems. There were limits on freedom of speech and of the press and restrictions on freedom of assembly. Domestic violence, rape, sexual harassment, and discrimination against women were serious problems. Female genital mutilation (FGM) was widespread. Child abuse, child marriage, infanticide, trafficking in persons, and child labor were reported.

There were also reports that rebels from the Movement of Democratic Forces of the Casamance (MFDC) and splinter groups, including the Movement for the Liberation of the People of the Casamance (MLPC) and the Revolutionary Front for Social Equilibrium in Senegal (FPRES), killed two government officials and at least seven civilians, committed robberies, laid new landmines, and harassed local populations.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, security forces killed one person during the year. In September the media reported that police unlawfully killed a merchant in Dakar. Police argued they were acting in self defense against a person in the process of committing a criminal offense. The Criminal Investigations Division (DIC) opened an inquiry; there were no sanctions or prosecutions by year's end.

The government generally did not prosecute unlawful killings by law enforcement during the year.

In March 2005 customs officers shot and killed Libasse Kane in an incident involving the arrest of sugar smugglers in the city of Mbour. Local police arrested four customs officers; they were granted conditional release pending completion of the investigation. There were no developments in the case by year's end.

In April 2005 Amadou Moctar Beye was found dead in his jail cell in Dakar. Gendarmes indicated that Beye committed suicide, but the victim's family rejected this version. There were no developments in the case by year's end.

In April 2005 gendarmes accidentally killed 13 year old Assane Fall and injured Mamadou Fall, while pursuing a suspected drug trafficker in Mbour. An investigation was ongoing but there were no new developments in the case by year's end.

In June 2005 gendarmes fired on and killed a fisherman and injured several others, including a 10 year old child, in Kayar. This incident occurred as the gendarmes intervened to end fighting between two communities of fishermen. There were no new developments in the case at year's end.

According to statistics from Handicap International (HI), there were slightly more landmine accidents in the Casamance than in the previous year. By May 19, there were seven reported injuries and two deaths. On September 1, an International Committee of the Red Cross (ICRC) official was killed when her car hit a landmine north of Ziguinchor. Two other ICRC officials suffered minor wounds in the incident. The government did not conduct any anti-landmine campaigns, but made efforts to remove landmines and unexploded ordinance in some areas, especially near villages to be resettled and near main roads.

Despite a December 2004 government and rebel signed ceasefire, violence in Casamance increased during the year, particularly near the

borders with The Gambia and Guinea-Bissau. In mid March three rival factions of the MFDC, two of which were supported by troops from Guinea Bissau, began attacks against each other. The attacks drove approximately 6,000 people to cross the border into the country in search of refuge, and displaced others (see section 2.d.). The troops from Guinea-Bissau ultimately returned to their barracks, and there was a lull in the conflict. However, fighting re erupted on the Senegalese side of the border in August, when government troops moved into the area thought to be occupied by radical MFDC and MLPC rebels. Approximately 6,000 persons fled to The Gambia and other parts of the Casamance.

On January 2, MFDC rebels killed the sub prefect of Diouloulou near Bignona. On August 28, newspapers reported that the alleged mastermind behind the death, Bertrand Sane, was arrested in The Gambia. A human rights NGO stated that Sane was later seen in the Casamance during the year; however, there were no confirmed developments in this case by year's end.

Rebel activity and armed banditry continued in the Casamance and resulted in seven civilian deaths. Rebels and robbers wounded 36 civilians during the year.

On April 19, a group of MFDC rebels robbed and killed three persons while hijacking a vehicle in Sedhiou. On December 4, bandits killed one person in attacks near Ziguinchor.

On December 20, MFDC rebels ambushed an army vehicle near the village of Kagnarau and killed two soldiers.

On December 30, armed men kidnapped and executed Mr. Oumar Lamine Badji, president of the Regional Council of Ziguinchor. The perpetrators had not been positively identified by year's end.

b. Disappearance

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

Although human rights groups noted the government took steps to prevent disappearances, they continued to criticize the government for its unwillingness to resolve older cases of disappearances linked to government security forces, particularly in the Casamance.

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

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

Although human rights groups noted fewer examples of physical abuse committed by security forces, they claimed poor training and supervision led to cruel and degrading treatment in prisons and detention facilities. In particular they criticized strip search and interrogation methods. The police DIC often required suspects to wait six hours or more before actually questioning them and may hold people up to 24 hours before releasing them. Police also reportedly forced detainees to sleep on the floor without any bedding, directed bright lights at their pupils, beat them with batons, and kept them in cells with minimal access to air. During the year authorities took no action against the police involved in these abuses.

Human rights organizations urged the government to incorporate into domestic law the provisions of the international convention against torture, to which the country is a signatory.

On June 5, three gendarmes raped the wife of a soldier at a small barracks in Sabodala; they were immediately remanded to Dakar by the prosecutor and placed in detention pending investigation. On August 25, the gendarmes received sentences of two years in prison.

On September 7, Ousmane Tamoura, a soldier accused of raping a nine-year-old girl, was released after the judge determined "there was doubt" in the case. The prosecutor had asked for the soldier's release based on a doctor's statement that the victim was not a virgin and that she had not cried out during the rape.

On September 25, gendarmes in Dakar's Ouakam district detained Bineta Gueye following a protest against the mayor. She alleged that during her detention the gendarmes pulled her out of bed, stripped her, and then hit her with clubs and the butts of rifles. On September 27, she was released and immediately sought emergency care. The gendarmes conducted an internal investigation, but the case was still pending at year's end.

Forced dispersals of demonstrators by police resulted in injuries (see section 2.b.).

According to local NGOs, three security force volunteers, who were stripped and burned with acid in November 2005 at a military camp in Thiaroye, accepted an out-of-court settlement instead of pressing charges during the year.

On August 23, approximately a dozen armed rebels ambushed vehicles near Velingara, stealing \$20,000 (10 million CFAF) and wounding three motorists. On September 7, approximately 15 rebels robbed stores and civilians in Bignona. On December 3, rebels wounded two civilians in a series of armed robberies near Ziguinchor.

On December 20, MFDC rebels ambushed an army vehicle near the village of Kagnarau; 14 soldiers were injured in the incident.

According to statistics from HI, landmine accidents in the Casamance increased during the year, resulting in deaths and injuries (see section 1.a.).

There was at least one reported incident of mob violence. On May 27, a mentally ill man killed his parents and two neighbors. Young villagers subsequently stoned him to death.

Prison and Detention Center Conditions

Prison and detention center conditions were poor. The National Organization for Human Rights (ONDH), a local human rights NGO, identified overcrowding as the major problem facing the country's prisons. At Dakar's Central Prison, which has a maximum capacity of 500 persons, approximately 1,500 were detained. At the penal camp in Dakar, approximately 800 individuals were held in a facility with a 400 person capacity. In Diourbel detainees were held outside in a former horse stable, sometimes up to 48 hours at a time.

The government has not constructed a new prison since 1960. Some facilities were buildings that were adapted and modified to be prisons. Due to an old and overburdened infrastructure, prisons had drainage problems during the rainy season and stifling heat during the summer. Prisons lacked doctors and medicine to provide care for sick inmates, forcing them to be evacuated for treatment. One NGO reported a national ratio of one doctor per 5,000 inmates and said the government spent only \$.66 (350 CFAF) daily per inmate to cover all costs. There was approximately one mattress for every five detainees.

On September 9, 52 prisoners escaped from the Thies prison; only three guards were keeping watch over 668 inmates at the time of the escape. Three of the escapees had been rearrested by year's end. Following this incident, the minister of justice announced that the government would recruit 200 guards to improve security in prisons. No recruitment was made by year's end.

There were no reported deaths in prison or detention centers during the year.

Local NGOs reported that prisoner separation regulations were not enforced consistently. Although the law requires pretrial detainees to be held separately from convicted prisoners, they were occasionally held together due to limited space. Juveniles were occasionally held together with adults. Women were held separately from men under the supervision of female prison guards.

The government permits certain prison visits by independent human rights monitors. During the year ONDH completed its fact finding review of prison conditions with the government's consent and assistance; however, the ONDH findings were not published by year's end.

As in the previous year, representatives of the Assembly for the Defense of Human Rights (RADDHO) were denied access to prisoners. RADDHO reported that the lack of adequate health care facilities meant that some people with mental disorders were being kept in prisons.

The Senegalese Committee for Human Rights, Amnesty International (AI), and the Parliamentary Network for Human Rights conducted prison visits during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Both police and gendarmes are responsible for maintaining law and order in the country. The army shares that responsibility in exceptional cases, such as a state of emergency. The police force includes 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least one police station and at least one mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city. The police force effectively maintained law and order.

Impunity and corruption were problems. A 2005 amnesty law covers police and security personnel involved in "political crimes," except those who committed assassinations "in cold blood." According to human rights groups, attorneys, and alleged victims, security forces regularly and openly extorted money from detainees in exchange for release and from prostitutes to overlook noncompliance with the legalized prostitution regime and other laws (see section 5). Human rights groups and the media also reported that security forces accepted and occasionally demanded money from persons seeking to emigrate illegally to Spain (see section 5).

The DIC is in charge of investigating police abuses.

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

In May a court ruled that Port of Dakar customs officers were not guilty in the 2004 case in which they were accused of fraudulent and corrupt practices in clearing incoming goods.

Arrest and Detention

Although the law specifies that warrants issued by judges are required for arrests, police often lacked warrants when detaining individuals in practice. The law grants police broad powers to detain prisoners for lengthy periods of time before filing formal charges. Many detainees were not promptly informed of the charges against them. Police officers may hold suspects as part of an investigation without filing formal charges for up to 48 hours. Investigators can request that a prosecutor double this to 96 hours. For cases involving threats to state security, both detention periods are doubled, meaning that someone accused of threatening public order could be held up to 192 hours. The clock on investigative detention does not begin until authorities formally declare that an individual is being detained, a practice human rights groups criticized for creating unreasonably long detention periods. Bail is possible but was rarely used. During the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. Family access was not generally allowed as police tended to isolate detainees during the investigation phase. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention at the accused's expense. Attorneys are provided at public expense to all criminal defendants when they cannot afford one. A number of NGOs also provided legal assistance or counseling to those charged with crimes.

The government used security forces, especially the DIC, to harass political opponents and journalists during the year. Authorities also interrogated and arbitrarily arrested a number of prominent opposition party leaders including Amath Dansokho, Ibrahima Sene, Jean-Paul Dias, and Berthelemy Dias.

On March 24, Secretary General Amath Dansokho of the Independent Labor Party, was given orders to appear at the DIC to answer questions about a March 22 press conference (see section 6.a.); he was interrogated for six hours. Dansokho was then charged with dissemination of false information, and given a two-month suspended sentence.

Security forces arbitrarily arrested labor leaders during the year (see section 6.a.).

According to the law, the accused may not be held in pretrial detention for more than six months for minor crimes; however, prisoners were routinely held in custody until a court demanded their release. Despite the six month limit on detention for most crimes, the average time between charging and trial was two years. ONDH claimed many detainees were held for years awaiting trial.

Judicial backlogs of up to 400 cases contributed to long pretrial detention periods. In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases, but may order release pending trial with the prosecutor's consent. If a prosecutor disagrees with a judge's decision to order release, the order is frozen until the appeals court decides to grant or deny the release. Under the law, the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security. However, since judges lacked sufficient time to review all cases, orders to extend detention were often signed without individual consideration of the facts to avoid releasing potentially guilty detainees.

Amnesty

The International Human Rights Federation and AI continued to criticize the Ezzan Amnesty Law for encouraging impunity. The law pardons all politically motivated crimes committed between January 1, 1983 and December 31, 2004. Local human rights groups unanimously denounced the law and asked the African Human Rights Commission to intervene. In December the commission ruled that the case was not sufficiently documented to warrant a condemnation of the government. The ruling indicated that victims could petition civil courts for reparations, and there was no evidence that such reparations were denied during the year.

On February 7, former prime minister Idrissa Seck was granted provisional release to the August 2005 corruption case against him. He had been charged with embezzlement of public funds, being a threat to national security, and illegal correspondence.

On March 2, Yankhoba Diattara received a presidential pardon after serving only three months of a six-month sentence. He had been sentenced in December 2005 for compromising public security following his public radio announcement that led to violent protests in Thies.

On September 16, Jean-Paul Dias received a pardon after serving one month of a one-year prison sentence. On November 22, Barthelemy Dias received a pardon after serving three months of a six-month sentence (see section 1.e.).

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.

For example, on July 8 and 9, local media reported that Momar War Seck, a criminal defendant charged with breach of trust, obtained the help of Judge Aminata Mbaye to transfer \$30,000 (15 million CFAF) to Bamba Niang, the public prosecutor handling Seck's case, and Niang's deputy. Niang reportedly asked the presiding judge, Malick Lamotte, and two assistant judges to render a favorable ruling. Judge Lamotte refused and revealed the story to the president of the regional tribunal of Dakar. The Ministry of Justice launched an investigation, but no one was formally charged with a crime. Judge Mbaye retired with full benefits, and Niang was removed from office. During the course of the investigation, the media uncovered recordings in which Judge Mbaye reportedly admitted that the court was prone to settlement of cases in this fashion.

Magistrates continued to publicly criticize their working conditions, including overwhelming case loads, lack of equipment, and inadequate transportation. Magistrates also openly questioned the government's commitment to protecting judicial independence. While the Superior Council for the Magistrate had responsibility over judicial assignments and promotions, several attorneys stated that the council did not meet regularly to take action on appointments, leaving the decisions to the executive branch. Even when the council met, magistrates stated the

president could veto council decisions.

Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. There are three high courts with different jurisdictions: the Council of State (which has jurisdiction over administrative affairs); the Constitutional Council; and the Court of Final Appeal (which has jurisdiction over criminal and civil cases). A special criminal court, the "Cour d'Assises," is attached to the Court of Final Appeal and meets once or twice a year for cases involving serious crimes such as murder. All of these courts remained understaffed during the year.

The High Court of Justice is an exceptional court which presides over cases against senior government officials for acts committed in an official capacity. It is composed of eight national assembly deputies and one professional judge. Three fifths of all deputies must vote to pass a resolution to permit prosecution of a head of state or minister. If a resolution is so passed, the high court can convene.

The National Assembly elects the eight deputy members of the high court plus eight substitutes at the beginning of each session. The court then has the authority to convict and sentence or acquit. Many of the special courts, such as the high court of justice, were dormant during the year.

While civil court judges are empowered to preside over civil and customary law cases, one option available is to turn disputes involving family matters over to religious judges, who act as advisors in such issues. Religious law has been incorporated into the country's laws (see section 2.c.).

There is a separate system of military courts for the armed forces and gendarmes. Military courts may try civilians only if they were involved with military personnel who violated military law.

On January 24, the African Union (AU) rendered a decision against the government's extradition of former Chadian leader Hissene Habre to a Belgian court to face charges of crimes against humanity. On July 2, the AU requested that the government conduct a trial against Habre. On November 23, the minister of justice invoked a decree establishing a working group of senior judges, penitentiary managers, law professors, and ministry officials tasked with examining the ways and means to prosecute Habre. The committee started its work by year's end.

Trial Procedures

Defendants have the right to a public trial, to be present in court, confront witnesses, present evidence, and have an attorney. Only defendants charged with serious crimes, such as murder, have the right to a jury trial. Attorneys are provided at public expense to all criminal defendants when they cannot afford one. Evidentiary hearings may be closed to the public and the press. Although defendant and counsel may introduce evidence before the investigating judge decides to refer a case for trial, they do not always have access to all evidence presented prior to trial. For example, in the case of Barthelemy Dias, the prosecutor introduced at trial a secret recording of which neither Dias nor his attorneys were aware.

A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court. Defendants are presumed innocent. The right of appeal exists in all courts, except for the Cour d'Assises and the High Court of Justice.

Political Prisoners and Detainees

There were several reports of political prisoners or detainees during the year.

On April 14, DIC officials arrested opposition leader Jean-Paul Dias, questioned him for 10 hours, and charged him with "threatening state security" and "disturbing public order." The charges were a result of his April 7 public statement in which he called for all opposition leaders to refuse to cooperate with the police during arbitrary interrogations. On May 10, Dias received provisional release, the equivalent of a pardon.

On August 9, an elite police unit normally reserved for kidnappings and violent crimes forcefully entered the Dias' home, struck Dias' wife in the mouth, arrested Dias, and brought him to the DIC, where he was questioned for 24 hours, then placed in Rebeuss Prison. Dias, who was held in an airless cell with approximately 20 other prisoners, reportedly lost consciousness. RADDHO, a prominent local human rights organization, was refused access to check on his condition; after a few days, Dias was hospitalized. He was charged with dissemination of false news, making a death threat against the head of state, and contempt of court. During trial the government publicly questioned Dias' nationality, and human rights organizations criticized this government action. On August 16, Dias received a one-year prison sentence with nine months suspended, but he was pardoned after one month.

On August 12, the DIC summoned Jean-Paul Dias' son, Barthelemy Dias, and questioned him for 24 hours before placing him in detention with convicted prisoners. RADDHO sought access, but was refused. On August 14, Barthelemy Dias was formally charged with spreading false news, slander, and threats against a judicial official. On August 16, the police searched his home without a warrant and seized Barthelemy Dias' foreign passport and a weapons permit. On August 22, he received a six-month prison sentence. On November 22, he was pardoned and released.

On November 21, one of Idrissa Seck's co-defendants, former Minister of Housing Salif Ba, was rearrested on corruption and embezzlement charges. He was cleared and released two weeks later.

In December 2005 one of Seck's attorneys, Djibril Diallo, was arrested and charged as an accomplice on the "illegal correspondence" charge. The government attempted to prosecute Diallo during the year, but abandoned the case due to pressure from the entire bar association.

Civil Judicial Procedures and Remedies

Citizens have access to courts for civil cases; however, corruption and lack of independence hampered judicial handling of these cases as with criminal cases. There was an increase in the filing of cases for libel and slander against journalists which some human rights organizations charged were used as a tool of repression (see section 2.b.). At times prosecutors refused to prosecute security officials and violators often went unpunished.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice; however, security forces entered and searched homes without warrants during the year.

For example, on June 18, Dakar police chased fighting supporters of two rival athletes into a person's home and brutalized the occupants of the home. A police official denied these accusations, and no action was taken against the perpetrators during the year.

On August 16, the DIC entered and searched the homes of Jean Paul Dias and Bartholemy Dias without a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government limited these rights in practice. Journalists continued to practice self censorship.

Unless they were high profile politicians, individuals could generally criticize the government publicly or privately without reprisal. However, journalists reported being both courted and threatened by politicians during the year for spreading messages against them or those affiliated with them.

The public had four sources of news: print, radio, television, and, increasingly, the Internet. There were several dozen independent newspapers and three government affiliated periodicals. Due in part to high adult illiteracy rates, radio was the most important medium of mass information and the main source of news. Approximately 70 radio frequencies have been assigned to community radio stations, public stations, and private commercial stations.

Although an administrative law is in place to regulate radio frequency assignments, government officials and operators disagreed on its utility, and community radio operators criticized what they viewed as a lack of transparency in the allocation of frequencies. After the Ministry of Information receives a frequency request, officials decide whether to approve the request based on financial viability, station ownership information, and program content. If the ministry approves the request, the Agency for Regulation and Communication (ART) renders a technical judgment on the request based upon frequency strength and location. Once ART gives technical approval, the ministry grants the frequency.

There was an increase in the number of persons starting radio stations, which were often controlled by a single religious, political, or ethnic group. Although their frequencies were legally obtained, these stations often failed to follow labor and other business regulations, such as the payment of taxes. In addition the government effectively crowded out radio stations by reportedly granting licenses to approximately 50 stations sympathetic to the ruling Senegalese Democratic Party (PDS). This led to an increase of popular radio programs being interrupted by religious chants or other unexpected programming.

Government failure to enforce regulations on establishing media outlets and government provided media assistance resulted in a proliferation of unprofessional or politicized media outlets. Journalists and human rights groups maintained that some media outlets were created solely to refute anti-government criticism.

Although the government continued to maintain an effective monopoly on locally televised news and information through the parastatal corporation Radio Television Senegal (RTS), there were signs of liberalization in the television sector. The recently privatized television station 2STV only broadcasts cultural and entertainment programming, but French and South African owned satellite television services offered international programming and international news. In July the local firm Canal Info obtained a broadcasting license, but its operations were still in the test phase at year's end. In December the local Wal Fadjri Communications Group began broadcasting via satellite from Paris in the absence of a license to broadcast locally.

Under national media laws, the government must hold a majority interest in RTS at all times, and the president directly or indirectly controlled selection of all members of the 12 person RTS executive staff. RTS' broadcasting fee structure left RTS officials with significant discretion when demanding fees for programs not financed through government funds (the government paid for some broadcasts). Several human rights and journalist groups criticized the fact that some religious leaders were able to broadcast for free while other groups paid, and that RTS provided little coverage of opposition party messages and activities.

Journalists continued to convey concern over government efforts to control media content by selectively granting or withholding state subsidies, which were given to both government-affiliated and private independent media. The government frequently used subsidies or more direct means to pressure the media not to publicize certain issues. In June President Wade announced he would offer the press \$600,000 to \$800,000 (300 to 400 million CFAF) in subsidies; the Ministry of Information reportedly directed those subsidies to progovernment newspapers.

On January 6, the government dropped charges of jeopardizing national security against key managers of the Sud Communications Group for the October 2005 SUD FM broadcast and SUD Quotidien publication of an interview with MFDC/MLPC faction leader Salif Sadio. Sadio was sentenced in absentia to five years in prison, and a warrant was issued for his arrest. He remained at large at year's end.

On May 4, six followers of the well known Koranic teacher Serigne Bethio Thioune beat journalist Pape Cheikh Fall after he questioned Thioune's political influence over his followers.

On May 18, the government dropped charges against Madiambal Diagne, publications director of the local daily Le Quotidien. Diagne was imprisoned in 2004 for "release of secret correspondence and reports" and "dissemination of news tending to cause serious public disturbance."

Local media criticized the National Council for the Regulation of Audiovisual Media (CNRA), which was created in January to protect pluralism and ethics in the media, for not taking any action during the year. Critics charged that the CNRA constituted an effort to exercise presidential control over the media since President Wade selects its members. The CNRA's members were not officially appointed until November, and the body had not received its budget by year's end.

In May AI reported that the government tried to prevent distribution of its annual human rights report. The government discouraged bookstore managers from importing critical works published abroad. The government reportedly delayed and tried to prevent the importation of a book on political violence in the country by journalist Marcel Mendy. Human rights activists indicated that similar pressure was exerted on local printers who feared that publication of works critical of the government would lead to harassment by tax collectors.

During the year the government restricted the importation of critical books by Latif Coulibaly, Mamadou Seck, Mody Niang, and Pape Moussa Samb.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet Service Providers and an estimated 1.5 million subscribers, the country had excellent online access by regional standards. Cyber cafes were easily accessible in Dakar and often available in provincial urban centers. However, approximately 60 percent of the country had no electricity, and the popularity of Internet-based information dissemination lagged far behind traditional media.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom.

The government restricted distribution of a film by Jo Gaye Rama Ka during the year.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government interfered with this right in practice. During the year the government repeatedly denied public permits for civil society and opposition demonstrations.

Groups complained of undue delays when waiting for a government response to authorization requests and majority organized "counter demonstrations" to show popular support for the government. In 2005 the government authorized 62 percent of requests for demonstrations; in 2006 the figure was 72 percent. Unauthorized demonstrations were always met with disproportionate police brutality.

Police used tear gas and rubber bullets to control student protests on university campuses throughout the country. Several students were injured, including one whose arm had to be amputated. The government accused the students of acting on behalf of opposition political parties and unspecified foreign powers.

On March 30, Malick Ndiaye, a leading member of the Committee of Initiatives by Senegalese Intellectuals, Salif Djigo, and Secretary General Youssou Toure of the Organization of Senegalese Instructors, were arrested for attempting to organize a protest without a permit. The protest was intended to bring attention to frequent electricity outages; the government had denied their permit request. All three men were released after 24 hours of detention.

On September 7, police clubbed a group of disabled former servicemen who were protesting the government's refusal to issue a permit to demonstrate. The former soldiers had defied the refusal by placing themselves in front of the responsible government office.

There was no reported progress in the investigation of the 2004 death of a demonstrator in Mampatim.

Freedom of Association

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

c. Freedom of Religion

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

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

Unlike other religious groups, Muslims have the right to choose Muslim based laws contained in the family code for marriage and succession cases. Civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious judges for adjudication, particularly in rural areas (see section 1.e.).

Societal Abuses and Discrimination

There was no reported progress in the investigation into the 2004 death threats against the country's Catholic clergy.

There were a series of anti-Semitic acts following the July August conflict involving Israel and the terrorist group Hizballah. On August 3, the Lebanese community staged one of several peaceful protests erecting a memorial of flags with reversed swastikas. The swastikas were taken down after formal protests were lodged by local embassies. The media gave ample voice to a range of anti-Semitic views in reaction to the Lebanese conflict.

There were approximately 100 resident Jews in country.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice. Unlike in the previous year, the government did not prevent its critics from leaving the country.

Local leaders advised NGOs to consult with MFDC representatives in the Sindian region before undertaking projects or circulating in the area. Human rights organizations also reported that the army restricted movements of local people after 7 pm. This restriction was a result of the December attacks by MFDC members against the military (see section 1.a and 1.c.).

Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, human rights groups noted that this law was not enforced against many public servants.

During the year authorities seized the passport of Barthelemy Dias (see section 1.d.). During the year Idrissa Seck alleged that the government refused to issue him new tourist and diplomatic passports.

The constitution and law prohibit forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

During the 20-year-old Casamance conflict, tens of thousands of persons fled villages in the region due to fighting, forced removal, and landmines. In March renewed fighting between rival MFDC factions and Bissau-Guinean government soldiers resulted in approximately 6,000 persons of Senegalese and Bissau-Guinean origin entering the country from Guinea-Bissau. The total number of IDPs during the year was estimated to be 20,000.

The government continued to provide returning IDPs and refugees with roofing materials for home construction and sacks of rice. The government allowed IDP access to domestic and international humanitarian organizations.

Protection of Refugees

The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum.

Since 1989 the country has offered temporary protection for Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain current refugee documents from authorities, and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed with Mauritania, the government continued to permit generally unsupervised and largely informal repatriation. The exact number of remaining Mauritanian refugees was unknown due to the transient tendency of this population, the absence of identification documents, and cases of fraud. The UN High Commissioner for Refugees (UNHCR) and NGOs working with Mauritanian refugees estimated the number of refugees to be approximately 20,000.

There was no further government response to the Mauritanian refugee community's February 2005 memorandum detailing their situation since deportation. Mauritanian refugees had sought a UNHCR-organized return to Mauritania and receipt of UNHCR-provided refugee identification documents. During the year representatives of the UNHCR office in Dakar continued to work on a solution agreeable to all parties, and some exiles and refugees have reportedly returned to Mauritania since the August coup in that country.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. However, delays of one to two years in granting refugee status were still a concern.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Citizens exercised their right to vote during the 2000 presidential election in which Abdoulaye Wade, backed by a coalition of opposition parties, defeated the incumbent president in what was considered to be a generally free and fair election. There were reports of several incidents of pre election violence and minor procedural irregularities; however, the majority of political parties and civil society accepted the result. In the 2001 legislative elections, characterized as generally free and transparent by international and national observers, President Wade's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly.

A lack of resources continued to restrict the activities of the Autonomous National Electoral Committee (CENA), whose members were sworn in in August 2005. The government did not release any funds or vehicles until CENA made a number of public statements to the media about its resource constraints. On January 3, the Ministry of the Interior announced that it had permitted CENA to use some of its vehicles. In March CENA received 10 vehicles out of a total of 52 promised by the government. The government finally provided a total of 55 vehicles to cover all administrative departments of the country and a budget of about \$four million (two billion CFAF).

Opposition parties have criticized CENA's perceived lack of response to alleged irregularities in registering voters during the year. The opposition claimed some members within the PDS were purposely withholding voter registration cards and insisted that CENA was doing little to address the problem.

Several electoral reforms occurred during the year. In November, a presidential decree increased the number of National Assembly seats from 120 to 150. Opposition parties filed a court case accusing the government of violating the law on the distribution of deputies elected by constituency based on a demographic criterion. The Council of State had not rendered a decision on the case by year's end. Also in November the assembly adopted a law making it possible for candidates to win in the first round of presidential elections. Although the voting age is 18, a law passed on June 30 allows the government to register those under 18 who would reach that age by election day. Also on June 30, the parliament passed a law allowing security forces to vote in presidential and legislative elections. Opposition parties questioned how the security forces' ballots could be safeguarded since they would vote one week before election day. In addition many potential candidates protested after an August 28 decree increased the required deposit to run in the presidential elections from \$12,000 to \$50,000 (six million to 25 million CFAF).

There were numerous problems during the year that affected preparations for the February 2007 elections. On January 19, the Constitutional Council ruled it was incompetent to rule on the legality of the 2005 constitutional amendment which extended the parliament's term and allowed the legislative and presidential elections to be held simultaneously in 2007.

President Wade made several notable changes to voter registration procedures which human rights groups and opposition parties criticized as attempts to secure victory by making the rules less clear. For example, the president extended the deadline for registration four times, with the last deadline set for September 15.

In late November the government revised the electoral code governing registration and electoral procedures to bring it into compliance with current practice.

Many voters had not received their voter registration cards by year's end. Although expected as part of the national voter registration campaign, the government did not set up 500 fixed and 200 mobile voter registration offices throughout the country, and did not provide electrical generators in areas with power supply problems.

There were approximately 100 registered political parties, according to official government sources.

At year's end there were 24 women in the 120 seat National Assembly and six women in the 43-member cabinet. Only 13 percent of locally

elected leaders were women. Even in areas where women won local leadership positions, they often remained a minority in the local bureaucracy. For example, Rufisque East had a female mayor, but only 27 percent of municipal counselors were women.

There were approximately 39 members of minorities in the 120 seat National Assembly and approximately 15 members in the 43-member cabinet.

Government Corruption and Transparency

There was a widespread public perception of government corruption, and it was a problem. The perception was exacerbated by salary increases over the last few years for National Assembly deputies and civil servants at all levels, along with the provision of all terrain vehicles and land to deputies.

In November 2005 the National Commission to Fight Non Transparency, Corruption, and Government Fraud officially began its activities. On July 7, the commission announced it was seeking authority to open investigations on its own without waiting for cases to be referred to it. It also announced it was investigating approximately five cases. The commission held one hearing during the year regarding an alleged case of public works corruption. Since the commission had no authority to initiate investigations or prosecutions, it was inefficient in fighting corruption during the year.

On June 29, Pape Malick Ndiaye, who claimed to be a member of the Committee for Good Governance against Corruption, accused the Secretary General at the Presidency and Executive Secretary of the National Agency for the Organization of the Islamic Conference (ANOCI), Abdoulaye Balde, of having taken a kick back in connection with public works undertaken by ANOCI for the upcoming World Islamic Conference. On June 29, Ndiaye was arrested after admitting he did not have the evidence he claimed against Balde. Ndiaye was charged with libel and fraud of documents; his case was pending at year's end.

During the year President Wade called for the reinvestigation of a case of mismanagement involving former prime minister and Minister of Foreign Affairs Mustapha Niasse. In 2002 Niasse was accused of selling diplomatic passports to businessmen and others from the Republic of China. There was no investigation or prosecution of Niasse by year's end.

President Wade also threatened to reopen the case of Ousmane Tanor Dieng, head of the Socialist Party (PS) and cabinet director for former President Abdou Diouf. Dieng was allegedly involved in secretly selling fishing licenses to Russian ship owners to replenish PS political coffers. On July 11, Dieng denied the allegations indicating that proceeds were used by the incumbent president to replenish secret state funds. No further action was taken to prosecute Dieng by year's end.

There were no developments in the 2005 corruption investigation of Pather Ndiaye, former Port of Dakar director general. Many alleged corruption cases involving political or judicial authorities were not pursued by prosecutors during the year.

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

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. However, some human rights organizations reported that their telephones were regularly tapped during the year.

The government's National Committee on Human Rights had a broad membership, including government representatives, civil society groups, and independent human rights organizations. The committee, which receives its budget from the government, had the authority to investigate abuses on its own initiative; however, the committee was poorly funded and ineffective in promoting human rights. It did not release a report during the year.

Some members of human rights organizations, opposition parties, and others critical of the government reported receiving death threats during the year. For example, on August 30, Jacques Habib Sy, executive secretary of the NGO Aid Transparency, reported to the DIC that he had received anonymous death threats two days earlier. No arrests were made. Death threats against leaders of opposition political parties, unions, journalists, and NGOs were common and generally believed to originate in circles close to the ruling party.

Members of the Parliamentary Network on Human Rights and the Rule of Law visited prisons. The ONDH, the local branch of AI, and the Senegalese Committee on Human Rights also organized prison visits during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides that men and women are equal under the law and prohibits discrimination based on gender, race, class, or language; however, gender discrimination was widespread in practice, and antidiscrimination laws often were not enforced. Domestic violence, rape, sexual harassment, discrimination against women, FGM, child abuse, child marriage, and trafficking in persons were problems.

Women

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the local NGO Committee to Combat Violence against Women (CLVF) reported a rise in cases of violence against women during the year. Violence against women is against the law, but the government did not enforce the law in practice. The law criminalizes assaults and provides for a punishment of one to five years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years, and if an act of domestic violence causes death, the law prescribes life imprisonment. There were increasing reports of violence between co wives in polygamous marriages.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. Some groups felt that the harsh sentences under the law caused judges to require higher burdens of proof before finding potential offenders guilty, resulting in fewer total convictions for domestic violence. The CLVF criticized the failure of some judges to apply the law. There were no statistics available on the number of abusers prosecuted under the law during the year.

Throughout the year women in several cities held rallies and marches to protest violence against women. For example, hundreds of women took to the streets in Ziguinchor to protest the August 25 beating of Henriette Tine by her husband, a repeat offender. Tine's husband was charged and the case was pending at year's end.

Also in August an influential Arabic teacher in Mbour severely beat his brother's pregnant wife in a succession dispute. After two weeks in prison, he was prosecuted and sentenced to pay a fine of \$40 (20,000 CFAF).

While local NGOs that assisted domestic violence victims and other women's rights groups viewed the antiviolence laws as important, they criticized the government's failure to permit associations to bring suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship worked with several NGOs in an attempt to curb domestic violence. In May the city of Tambacounda inaugurated a program to fight violence against women; however, the government did not provide funding for the program during the year.

Rape, including spousal rape, was a problem. The law prohibits rape, but not spousal rape; however, the government rarely enforced the law. Sentences for rape range from 5 to 10 years' imprisonment, and rapes resulting in death qualify for life imprisonment. It was nearly impossible for victims to provide judges with sufficient proof to merit convictions. There was no government system to collect statistics on the extent of rape or convictions. A women's rights NGO criticized the country's lack of rape shield laws and the common practice of using a woman's sexual history to defend men accused of rape.

On April 13, two shepherds in Gogaguene raped a mute and deaf woman in the bush as she was collecting fire wood. Gendarmes arrested the two men; no further action was taken by year's end.

On June 5, three gendarmes were accused of raping the wife of a soldier. Despite witnesses testifying to having heard screams from the room where the rape occurred, the three defendants--El Hadji Amadou Sagne, Boubacar Mballo, and Auguste Dema--claimed their sex with the woman was consensual. Although the normal punishment for rape is between five and 10 years in prison, the prosecutor sought and the defendants received only two years. The gendarmes' superiors also reportedly pressured the tribunal to keep the affair quiet.

In October 2005 a young man was arrested for attempted rape of a married woman; his case was ongoing at year's end.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. As with many of the difficulties facing women, the problem of incest was compounded by lack of public support and shelters to protect and assist vulnerable women, including unwed mothers and victims of domestic violence. As a result, many were unable to flee or remove their children from abusive family members (see section 5, children).

The NGO Tostan estimated FGM was practiced in thousands of villages throughout the country. In June 2004 the minister of family claimed that almost all women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, and Bambara ethnicities, particularly in rural areas. Some girls were as young as one year old when FGM was performed on them.

FGM is a criminal offense under the law, carrying a sentence of six months' to five years' imprisonment for those directly practicing FGM, or ordering it to be carried out on a third person. The government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with Tostan and other groups to educate people about the inherent dangers. During the year 120 villages renounced the use of FGM. According to the Ministry of Women, Family, Social Development, and Women's Entrepreneurship, 1,679 out of an estimated 5,000 communities have formally abandoned the practice. Nevertheless, many people still practiced FGM openly and with impunity.

Prostitution is legal if individuals meet certain criteria: they must be at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections (STIs). Pimping and soliciting customers are illegal.

There were arrests of foreign illegal prostitutes, underage prostitutes, and pimps during the year. Evidence suggested foreign prostitutes' entry to the country was organized: groups of women often crossed the border together; foreign prostitutes usually lived together; they had a predetermined destination upon arrival; and many foreign women came to the country but did not stay indefinitely, suggesting their departures were better organized and professional.

NGOs working with prostitutes claimed the problem was worse than official statistics on prostitution suggested, and that police targeted prostitutes for abuse and extortion.

On May 9, police shut down a prostitution ring operating from a fast food restaurant in Dakar and soliciting customers on the Internet.

Trafficking of adult women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was common although prohibited by law, which calls for prison terms of five months to three years imprisonment and fines of \$100 to \$1,000 (50,000 to 500,000 CFAF). The government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present sufficient proof to justify prosecutions.

Women faced pervasive discrimination, especially in rural areas where traditional customs including polygyny and rules of inheritance were strongest. Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The Family Code prohibits marriage for girls younger than 16 years and men younger than 20 years. This law was not enforced in some communities where marriages were arranged. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age requirement. Women typically married young, usually by the age of 16 in rural areas (see section 5, Children).

According to the law, a woman's consent is required for a polygynous union, but once in a polygynous union, a woman need not be notified nor give prior approval for the man's subsequent marriage. A 2004 study of marriage practices indicated that approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced because of socio cultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of family when the father formally renounces his authority before the administration. This makes it particularly difficult for the 20 percent of families that are supported and led by women. The problems with the Family Code and traditional practices also made it difficult for women to purchase property. Due to the fact that men are legally considered the head of household, women paid higher taxes than men for the same salary (they were taxed as single individuals without children), and employers paid child allowances to men only.

Only an estimated 20 percent of women had paid employment. Low education levels, lack of information, domestic responsibilities, lack of access to factors and means of production, and multiple pregnancies were cited as barriers to economic advancement for women. According to statistics from the National Center to Assist and Train Women, women represented 52 percent of the population, but were held liable for 90 percent of domestic responsibilities and 85 percent of agricultural work. Approximately 22 percent of teachers and 14 percent of lawyers were women.

Women's groups campaigned to have a larger percentage of places on the legislative electoral ballot devoted to women, to better reflect the female majority of the population. On December 8, President Wade asked the prime minister to make a declaration at the national assembly on the issue. The PDS placed 30 women on its legislative electoral list for 60 seats before year's end.

Women's groups criticized discriminatory provisions in the law, a problem the government has admitted. On June 9, President Wade signed a decree authorizing women to join the Customs Office. In August the Gendarmerie also started recruiting women. The gendarmerie recruited 50 women, but the Customs Office had not implemented the decision by year's end.

Children

The government was somewhat committed to children's rights and welfare. The Ministry of Women's Affairs, Family, Social Development, and Women's Entrepreneurship was responsible for promoting children's welfare and was assisted by the health, education, and labor ministries.

During the year President Wade established more "Places for the Little Ones" throughout the country to serve as pre kindergartens for children. He also encouraged increased school enrollment.

The law provides for free education, and education is compulsory for children ages six to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to the efforts of the government, NGOs, and international donors, primary school enrollment reached 82.5 percent during the year.

The highest level of education attained by most children is elementary school. The middle school enrollment rate was 31.9 percent, and the secondary school enrollment rate was 10.9 percent. In the 2005 06 academic year, more girls than boys were enrolled in elementary school for the first time ever.

The government took steps to provide religious education classes in the formal school system to provide an alternative to parents sending their children to Koranic schools, where trafficking in the form of forced begging often occurred (see section 5, Trafficking). The government also established a program to provide education and social services to 11,000 at risk children.

Although girls' attendance rates continued to climb, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters from school, rather than their sons. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Boys and girls generally have equal access to medical care. Medical care was more readily available to children in urban areas than to those in rural areas where many villages lacked health care facilities.

Child abuse was common. One human rights organization noted that during the month of May, 16 cases of child abuse were reported, involving children between the ages of six and 16.

Easily observable were the many poorly dressed, barefoot young boys, known as talibes, begging on street corners for food or money for their Koranic teachers, known as marabouts. Although physical abuse of the talibes was widely known and discussed, only three marabouts were arrested for such abuse during the year. In June one talibe between the age of 10 and 15 committed suicide after being severely beaten by his marabout for having escaped and returned to his family. Also in June one 14 year-old talibé and two accomplices were arrested for murdering his marabout. The case was under investigation at year's end.

The law punishes sexual abuse of children with five to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for two to five years and in some aggravated cases up to 10 years' imprisonment. Procuring a minor for prostitution is punishable by imprisonment for two to five years' imprisonment and a fine of between \$575 (300,000 CFA) and \$7,600 (four million CFA).

There were periodic reports of child rape and pedophilia. On January 27, a four year old girl was kidnapped, raped, and killed. Police arrested a suspect shortly after the girl's body was discovered, but released him for insufficient evidence. There were no further developments by year's end.

On June 6, a French national was arrested after being caught in the act of committing pedophilia on a 14 year-old boy. On June 16, Mamadou Lamine Cissokho was arrested for having molested four girls aged four and five. On June 29, Abdourahmane Sall was charged with the act of committing pedophilia on one of his 15 year-old talibes. Sall claimed he was possessed by evil spirits. A judge placed Sall's other talibes in a reeducation center. In July Boubacar Sama was arrested for raping a 15 year old girl. On August 2, Modou Fall was arrested for the rape of a seven-year-old girl. On August 30, a 13 year-old girl reported that she was raped by the marabout who owned the house in which she and her mother lived; the marabout denied the accusation. All of these cases were pending at year's end.

In September newspapers reported the story of S.M. Ndiaye, a teacher who raped and impregnated his 12 year-old student. Local people arrested him and took him to the Gendarmerie. Ndiaye was prosecuted and sentenced to seven years in prison.

The press also reported rapes of handicapped persons. On May 16, a teacher complained to the police of Thiaroye about the rape of his mute and deaf 16-year-old daughter. He discovered the crime three months later when the girl appeared obviously pregnant. The police arrested the alleged perpetrator who was a co-tenant of the family. On May 17, gendarmes in Yeumbeul arrested two young men for raping a 15-year old mentally handicapped girl. A third perpetrator escaped arrest and was not apprehended by year's end. Both of these cases were pending at year's end.

A women's rights NGO said that of all cases of violence committed against girls, paternal incest cases were the fastest growing type of violence. For example, in July a man with multiple wives and six children was arrested for having sexual relations with his daughter for five years. He admitted to the charges after his daughter reported him; the case was pending at year's end.

Family ministry officials and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas. Girls, sometimes as young as nine years old, were married to older men due to religious, economic, and cultural reasons. On July 7, the regional tribunal of Velingara sentenced a 12 year-old girl to six months imprisonment and fined her \$200 (100,000 CFA) for abandoning her marriage to her 34-year-old husband Adji Diao. The girl claimed that even though her husband was both physically and emotionally abusive, she stayed with him until her in laws tried to force her into a relationship with his younger brother. After 12 days in prison she was released provisionally. With the help of several human rights NGOs, the verdict was overturned.

Trafficking and commercial exploitation of children were problems (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

Women's rights groups reported a growing incidence of infanticide, which was usually due to poverty or embarrassment. Many domestic workers or women from villages working in cities who found themselves pregnant without family ties sometimes killed their babies since they could not care for them. Others who were married to men working outside the country disposed of their infants out of shame or to hide the truth. In some cases, the families of the women shamed them into killing their own babies. Methods ranged from burying them alive, putting them in septic tanks, or simply abandoning them along the road.

When the identity of the mother is discovered, the police arrest and prosecute her. For example, in July, the cour d'assises sentenced a woman to five years of hard labor for having abandoned her newborn daughter in an unsheltered and isolated area in 2002. In August a grandfather was arrested for having thrown his three month-old granddaughter into a well because she was born out of wedlock. His case was pending at year's end.

Many children were displaced due to the Casamance conflict and often lived with extended family members, neighbors, or in children's homes. The government lacked adequate resources to effectively support these children. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

Trafficking in Persons

The constitution and law prohibit trafficking in persons; however, there were reports that persons were trafficked to, within and from the

country. Laws that prohibit pimping and kidnapping could be used in some trafficking cases. Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of five to 10 years' imprisonment and a fine of \$10,000 to \$40,000 (five to 20 million CFAF). When the infraction involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, jail time ranges from 10 to 30 years' imprisonment. The human rights commissioner and the family ministry were the government coordinators on human trafficking issues.

During the year the government arrested, prosecuted, and convicted traffickers; however, reliable statistics on the extent of the trafficking problem were unavailable. However, studies have shown the extent of trafficking in and through the country to be significant, particularly with regard to child begging and illegal emigration. Talibes were trafficked from surrounding nations, including The Gambia, Mali, Guinea, and Guinea Bissau, and internally to participate in exploitive begging for some Koranic schools. According to the UN Children's Fund (UNICEF), the country had an estimated 100,000 talibe boys and 10,000 street children.

Young girls were trafficked from villages in the Diourbel, Fatick, Kaolack, Thies, and Ziguinchor regions to urban centers for work as underage domestics. Young girls from both urban and rural areas were involved in prostitution, which NGOs claimed involved an adult pimp to facilitate commercial sex transactions or provide shelter.

The country was believed to be a transit point for women en route to Europe for sexual purposes. ENDA Sante, a local NGO, treated illegal prostitutes for STIs through a mobile clinic program. According to ENDA Sante, many women from surrounding African countries practiced prostitution; however, there was no proof that these foreign prostitutes were trafficking victims (see section 5, Women).

The government prosecuted victims for violating prostitution laws, such as not having the proper registration or medical documentation. The government also prosecuted persons for what is referred to as escroqueries (swindling), when people lure others into immigration scams.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center, a children's center where child trafficking victims received nutritional, medical, and other assistance. The center has accommodated children from The Gambia, Mali, Guinea Bissau, and Guinea. The center also operated a toll free child protection hot line that fielded many calls. With assistance from a foreign government, the police have established a trafficking-in-persons database. There were no government programs to protect or assist trafficked women.

Persons with Disabilities

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

The law reserves 15 percent of new civil service positions for persons with disabilities. The government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities where they received training and funding for establishing businesses.

Despite these efforts, the leader of a women's association for persons with disabilities criticized the government's failure to designate a ministry responsible for persons with disabilities. She also questioned the lack of attention paid to persons with disabilities in national poverty reduction strategies. Several programs, which appeared to be earmarked for persons with disabilities, offered services to other vulnerable populations, which effectively reduced resources for persons with disabilities. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, only 30 percent of such children were enrolled in school.

On July 14, the government officially launched a five year national program for community based rehabilitation of handicapped persons, but the program did not produce any effective results by year's end.

There were at least three reported rapes of two handicapped girls and one handicapped woman during the year (see section 5, Women and Children).

National/Racial/Ethnic Minorities

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

Other Societal Abuses and Discrimination

Homosexuals faced widespread discrimination and social intolerance, but they were not generally targeted for violence and harassment. However, human rights organizations reported that in August a social worker faced public humiliation and harassment upon his return to the country from the First World OutGames. Homosexuality is not a criminal offense; however, societal discrimination against homosexuals was widespread.

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

Section 6 Worker Rights

a. The Right of Association

By law, all workers, except security forces, including police and gendarmes, customs officers and judges, are free to form and join unions, and workers exercised this right in practice. The labor code requires the interior minister to give prior authorization before a trade union can exist legally. The government can also dissolve trade unions by administrative order, but did not do so during the year. The labor code does not apply to the majority of the workforce because most persons work in agriculture or the informal sector. Approximately 4 percent of the total workforce was employed in the private industrial sector, of which 40 to 50 percent belonged to unions. Antiunion discrimination is prohibited by law, and the law also provides protection for workers' right to strike.

Security forces arbitrarily arrested labor leaders during the year. For example, on March 22, labor leader Ibrahima Sene was arrested and charged with dissemination of false information related to a press conference in which he claimed \$88 million (440 billion CFAF) had been removed from the country. On April 3, he was released and the charges were dropped for lack of evidence.

On August 3, an intelligence agent infiltrated a meeting of teachers' unions which the government had accused of being politically motivated. When he was discovered, the agent provoked an altercation and arrested one of the union leaders. A day later, the leader was freed and was never charged.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of workers.

The law provides for the right to strike, and workers exercised this right; however, there were significant restrictions. The law also states that workplaces may not be occupied during a strike. Health, transportation, education, and oil workers held strikes during the year. 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.

In May President Wade announced he was giving \$1.2 million (600 million CFAF) to unions. It was unclear for what purpose the money would be used or what criteria would be applied to divide the funds among the unions. With the multitude of unions established it was difficult to set up criteria for supporting them, and the government had difficulty identifying the most representative unions. The money was not disbursed during the year.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

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

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws. According to the International Labor Organization (ILO), 23 percent of children ages six- to 17 years old were engaged in child labor, including primarily agriculture, fishing, and hunting, but also mining, construction, transportation, domestic work, commerce, restaurant and hotel work, and manufacturing.

Some religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions under the threat of physical punishment (see section 5).

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

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

In addition to efforts to fight human trafficking for exploitive labor purposes, the government attempted to raise awareness about the dangers of child labor through seminars and other cooperative programs with local government officials, NGOs, and elements of civil society. The government participated in an ILO program to end the worst forms of child labor. A three year project, launched in September 2003, established a framework to combat child labor, including a coordinating unit within the Ministry of Labor. The government also worked with UNICEF to prevent girls from entering prostitution. The government cooperated with UNICEF in 10 programs to combat child begging and the exploitation of female children as household domestics. The Ministry of Women, Family, Social Development and Women's Entrepreneurship also worked with other ministries to combat the worst forms of child labor.

e. Acceptable Conditions of Work

The national minimum wage was \$0.42 (209 CFAF) per hour, which did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing minimum wages. Labor unions acted also as watchdogs and contributed to an effective implementation of minimum wage in the formal sector. The minimum wage is not respected in the informal sector, especially for domestic workers.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24 hour rest period, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

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