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## Senegal

### Country Reports on Human Rights Practices - [2005](#)

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Senegal, with an estimated population of 10.1 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 current 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. The government made some improvements during the year and in April the National Assembly passed a law prohibiting human trafficking. However, there was a growing feeling that political considerations unduly influenced many government decisions, in some cases due to a widening rift within the majority Democratic Party of Senegal (PDS) between President Wade and former Prime Minister Idrissa Seck. The following human rights problems were reported:

- several unlawful killings were committed by security forces
- cruel and degrading treatment of detainees and prisoners
- overcrowded prisons
- questionable investigative detention and prolonged pretrial detention
- corruption and impunity
- some limits on freedom of speech and of the press
- restrictions on freedom of assembly
- domestic violence, rape, sexual harassment, discrimination against women, and female genital mutilation (FGM)
- abuse of children, child marriage, and infanticide
- trafficking in persons
- child labor

There were reports that Movement of Democratic Forces of the Casamance (MFDC) rebels killed at least 7 to 10 government security and civil service personnel, as well as one civilian, committed robberies 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, there were several killings by security forces during the year.

On March 10, customs officers shot and killed a 20-year-old man named Libasse Kane in an incident involving the arrest of sugar smugglers in the city of Mbour. Kane was shot in the chest. Local police arrested four customs officers before they were granted conditional release pending completion of the investigation.

In April a man named Amadou Moctar Beye held in investigative detention at the research brigade of the gendarmes in Dakar was reported dead in his cell. Gendarmes indicated that Beye committed suicide, but the victim's family rejected this version of events.

Also in April gendarmes accidentally killed a 13-year-old boy, Assane Fall, and injured a man, Mamadou Fall, while pursuing a suspected drug trafficker in Mbour. According to reports, police were attempting to commandeer a fisherman's boat to pursue the trafficker, but the fisherman refused. As a result, the police opened fire. An investigation was ongoing at year's end.

On June 12, in the town of Kayar, gendarmes fired on and killed a fisherman and injured several others, including a 10-year-old child. This incident occurred as the gendarmes intervened to put an end to the fighting between two communities of fishermen.

In November in Touba, a police officer fatally kicked a 21-year-old who began to run in panic after seeing a man in uniform. Officials negotiated with the young man's family, and no arrest was made.

In December a customs officer killed two smugglers during an altercation near Richard Toll. In a highly unusual move, the Customs Office issued a statement saying they "regretted the incident." No further action was taken at year's end.

No action was taken against government soldiers responsible for the 2003 killing of a man in Mandina Mancagne.

According to statistics from Handicap International, landmine accidents in Casamance continued to decline. However, on April 12 an anti-tank landmine exploded in the area of Sare Tening in Kolda, killing one government soldier and wounding two others.

Despite a December 2004 government and rebel-signed ceasefire, there has been increased violence in Casamance, particularly near the Senegal-Gambia border. In April a teacher was killed; MFDC rebels and the government blamed each other for the killing. In an August 5 attack on a public transport vehicle in the village of Mampalago, MFDC rebels discovered and executed two off-duty soldiers dressed in civilian clothing.

On June 22, one gendarme was killed in the Casamance causing some tension with The Gambia when the perpetrators, allegedly MFDC rebels and a Basque terrorist from Spain, fled across the border. Although briefly detained by Gambian authorities, they were ultimately released and remained in The Gambia at year's end.

Unlike in the previous year, there were no reports of mob killings, but there was an increase in injuries caused by mob violence (see section 1.c.).

#### 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 Casamance.

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

The law prohibits 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 criminal investigation division (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, direct bright-lights at their pupils, and beat them with batons.

In November three volunteers at a military camp were seized by the security forces there, stripped naked in front of the hundreds of other volunteers, and had acid poured on their genitals. The forces responsible then shaved the initials, "GMI" (the title of the security forces) onto their heads. The affair was referred to the Police Commissariat in the city of Thiaroye where it occurred.

The case of the 2003 assault on Talla Sylla, leader of the opposition political party Jef-Jel, was closed, since it came under the Ezzan Amnesty Law (see section 1.d.).

Unlike in previous years, there were no reported human rights abuses committed by security forces deployed to Casamance.

Similarly, there were no reports that MFDC rebels sexually assaulted women in northern Casamance. There were no known government efforts to investigate claims of sexual abuse by rebels, since the amnesty law covered the alleged abuses.

There have been many reports of armed banditry in the Casamance. For example, on May 11 armed individuals opened fire on a motorcyclist and then held up all of the passengers in a vehicle, robbing them of all their possessions. One of the passengers was injured by gunfire. On December 1, there was an armed robbery on a car belonging to a micro-credit institution, leading to one death and one injury.

According to statistics from Handicap International (HI), landmine accidents in Casamance continued to decline. After recording 17 civilians injured by landmines in 2004, HI reported 10 injuries by year's end. It is unknown who left the mines responsible for these accidents.

There is a growing problem with the use of mob justice to address crimes. In September in the town of Guediawaye, a taxi driver was stopped and severely beaten by bystanders, after he demanded a young female passenger give him all her belongings. He was brought to the police and charged with theft and aggression. In October a thief who was caught in the act of perpetrating his crime in Dakar was tied up, beaten, and severely burned. Those who had captured him took him to the police. The police arrested him, and let the vigilantes depart.

#### 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, 1,500 were detained. At the penal camp in Dakar, 799 individuals were held in a facility with a 400-person capacity, and 32 guards. In Diourbel detainees were held outside in a former horse stable, sometimes up to 48 hours at a time.

According to media reports, the government has not constructed a new prison since 1960. Some facilities were buildings that were adapted and modified to be prisons. Due to old and overburdened infrastructure, prisons experienced 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 five thousand inmates and said the government spent only \$.66 (350 CFA francs) daily per inmate to cover all costs. There was approximately one mattress for every five detainees.

Human rights groups and attorneys documented several irregularities concerning Idrissa Seck's detention at Rebeuss prison (see section 3). They noted that two guards were always present to monitor Seck's conversations with visitors despite guard shortages at other prisons, a metal detector was installed and used only for Seck's visitors, some individuals were prohibited from visiting Seck, and prison authorities opened Seck's private correspondence.

During the summer prisoner Abatalib "Ino" Samb died at a local hospital after his transfer from Dakar's central prison. He died from illness brought on by adverse conditions in the prison.

Although pretrial detainees were usually held separately from convicted prisoners, as required by law, they were occasionally kept with convicted prisoners and children due to limited space. Local NGOs reported that prisoner separation regulations were not enforced consistently.

The government permits certain prison visits by independent human rights monitors. During the year, ONDH continued its fact-finding review of prison conditions with the government's consent and assistance. The Senegalese Committee for Human Rights, the Parliamentarian Network for Human Rights, and a group of Catholic priests also visited prisons during the year.

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

#### d. Arbitrary Arrest or Detention

The law prohibits 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 when a state of emergency is announced. The police force contains 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.

Impunity and corruption were problems. In Amnesty International's (AI) 2004 annual report, the security forces in the Casamance were cited for impunity. Specific examples included an amnesty law passed in 2004 that covered all actors except those who committed assassinations "in cold blood." There is also the example of the release without punishment of individuals caught in the act of committing a crime. However, police officer Abdoulaye Gaye and soldier Babacar Faye were convicted and sentenced to eight years in prison after committing an armed robbery of a gas station in Ziguinchor in 2002.

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).

The government used security forces, especially the DIC, to harass political opponents and journalists. For example, two dozen persons close to ex-prime minister Seck were interrogated as part of his case as well as several journalists.

In February the military tribunal in Dakar delivered a verdict in the trial of two gendarmes accused of torturing a suspected criminal in 1993. Atoumane Sylla was released for lack of proof, and Medoune Diouf was sentenced to two years in prison without parole and ordered to pay compensation of \$15,100 (8 million CFA francs) to the victim. Despite this prosecution, many felt suits against security officials were often blocked, allowing violators to go unpunished. No other security personnel accused of past human rights violations, including disappearances and brutality, were charged or prosecuted during the year.

There were no known developments in the 2004 arrest of Port of Dakar customs officers for committing fraudulent and corrupt practices in clearing incoming goods, or the 2003 case of a police chief charged with corruption. The customs officers were granted release pending trial and without being required to pay bail. Their cases were pending at year's end.

According to human rights groups, new members of the police force received training in human rights protection. In July a local human rights group conducted a seminar with security forces on respect for human rights. A foreign government has also helped facilitate training of the police force in a number of areas, such as crisis response, airport security, hostage negotiation, and trafficking in persons; however, it

appeared that most training was limited to Dakar.

#### 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. Under the law, 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 investigativedetention 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 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 own expense. Attorneys are provided at public expense to all criminal defendants when they cannot afford one. A number of NGOs also provide legal assistance and/or counseling to those charged with crimes.

Human rights groups claimed that opposition leader Abdourahim Agne, arrested and detained for 15 days in June, was a political detainee. After Agne gave a public speech calling on citizens to take to the streets to demonstrate dissatisfaction with the government, he was arrested for threatening national security and later granted conditional release. His case was still pending at year's end. In almost every case involving security forces, the case is permitted to languish indefinitely as a political tool. In some cases, they are left pending to quiet the defendants. In others, the goal appears to be to wait so long that the public will forget or lose interest.

On November 24, police arrested Yankhoba Diattara, ex-prime minister Seck's political assistant and leader of the political party, Forces Integrees Pour la Democratie et la Liberte (FIDEL). He was arrested for compromising public security, following his public announcement on Sud FM, a popular radio station, that he wished his comrades to "welcome" President Wade to Thies. Wade's visit to Thies was marked by violent protests. On December 2, Diattara was sentenced to six months in prison.

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 unless and 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. In September the Court of Assises of Dakar acquitted Abdou Diakhate after seven years of pretrial detention. 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. Unlike in the previous year, there were no reports that authorities at Dakar's Central Prison held foreign nationals in inhumane conditions while they awaited repatriation.

#### Amnesty

In February President Wade promulgated the Ezzan Amnesty Law, named after the PDS deputy who sponsored it. The law pardons all politically motivated crimes committed between January 1, 1983 and December 31, 2004. Opposition parties argued that the law was unconstitutional, but the court validated the most significant portions in February, letting the law stand. Local human rights groups unanimously denounced the law and asked the African Human Rights Commission to intervene. The commission had not acted on the request by year's end.

The International Human Rights Federation and AI criticized the law for encouraging impunity. In July Cheikh Oumar Sy became the first person to benefit from the law. Sy had been in pretrial detention for five years, for arson, death, and inciting rebellion, all of which were allegedly committed just prior to 2000 presidential elections.

#### e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was subject to government influence and pressure.

Magistrates began to publicly criticize terrible working conditions, including overwhelming caseloads; low pay; lack of paper, computers, and telephones; and inadequate transportation. In response to pay raises for deputies of the National Assembly, in October 2004 magistrates openly questioned the government's commitment to protecting judicial independence, despite promises of a pay raise in 2006. While the Superior Council for the Magistrature had responsibility over judicial assignments and promotions, several attorneys said it did not meet regularly to take action on appointments, leaving the decisions to the executive branch. Even when it did meet, magistrates said the president could veto council decisions. The president also had the power to raise judicial salaries.

Some argued that because of these presidential prerogatives, judges were subject to executive influence. A human rights organization claimed one of the most clear-cut examples of this were public comments about the extradition case of former Chadian leader Hissene Habre made while the legal proceedings were still underway. Other cases cited include the several times during the year when political leaders made public statements, which were followed the next day by related arrests.

Justice ministry officials have substantial authority to influence judicial procedures by keeping suspects in pretrial detention (see section 1.d.).

Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts, including the Council of State, the Constitutional Council, the Court of Final Appeal, and the Accounting Court. These courts remained understaffed. The High Court of Justice, which presides over cases against officials for acts committed in an official capacity, 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 Special Unlawful Enrichment Court that was established to try corruption cases against public officials, were dormant during the year.

In August for only the second time since independence, the high court was convened in the Thies Public Works corruption case against ex-prime minister Idrissa Seck. Seck was arrested in early July, along with several other persons. He was charged with embezzlement of public funds from public works projects in the city of Thies, being a threat to national security, and illegal correspondence. With the exception of police inspector Coumba Ngouye Thiam, most of his co-defendants have been granted conditional release. Seck has been kept in Dakar's Reubeuss prison. In December one of his attorneys, Djibril Diallo, was arrested and charged as an accomplice in the "illegal correspondence" charge. Approximately 200 lawyers agreed to defend him. The head of Seck's defense team, Boukounta Diallo, reported being harassed and threatened with prosecution. The case against Seck was ongoing at year's end.

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.).

#### 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. They are tried in the Cour d'Assises, a special court meeting just once or twice a year. 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, but defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer a case for trial. 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 unlawful enrichment court, the Cour d'Assises, and the High Court of Justice.

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

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however the government limited these rights in practice. Journalists continue to practice self-censorship.

Individuals could generally criticize the government publicly or privately without reprisal, and the government generally did not attempt to suppress criticism.

The public had four sources for news: print, radio, television, and, increasingly, the Internet. There were at least 15 independent and 3 government-affiliated dailies and several weekly newspapers and magazines. Publishers were not required to register with the government prior to starting a publication.

Due in part to high adult illiteracy rates, radio was the most important medium of mass information and the main source of news. At year's end more than 73 radio frequencies have been assigned to 3 different types of stations: community radio stations, public stations, and private commercial stations. All community and private commercial stations can broadcast national news and political commentary; community radio stations tend to focus on local and "grassroots" issues.

Community radio operators criticized what they saw as a lack of transparency in radio frequency assignments. 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.

Although an administrative law is in place to regulate frequency assignments, government officials and community radio operators disagree on its usefulness. There has been an increase in the number of people starting their own radio stations, often controlled by single religious, political, or ethnic groups. Although they obtain their frequencies legally, they often fail to follow labor and other business regulations, such as the payment of taxes.

The government maintained a monopoly on national television coverage through Radio Television Senegal (RTS), a parastatal corporation. In July 2004 privately financed RTS/2S television began broadcasting; however, it broadcast only cultural and entertainment programming and no news. French- and South African-owned satellite television services offered international programming and international news. Neither of these services provided domestic news coverage.

Under national media laws, the government must hold a majority interest in RTS at all times, and the president directly or indirectly controls selection of all members of the 12-person RTS executive staff. RTS's 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.

Some encroachments on press freedom were linked to the ongoing public corruption case against Idrissa Seck (see section 3). In July the information and justice ministers threatened to charge any media institution broadcasting or printing extracts from compact discs (CDs) released by Seck with divulging state secrets and threatening national defense. In August police questioned two journalists, Latif Coulibaly and Birima Fall, for their possible involvement in the public release of two CDs from Seck.

On October 17, police halted broadcast operations of the national radio station Sud FM after it aired an interview with Salif Sadio, a military leader of the MDFC. More than 24 Sud FM staff members were detained for police questioning but all were released by the end of the day. Sud FM returned to the airwaves that same evening. Key managers of the Sud Communications Group, including President Babacar Toure, were ordered to appear before a Dakar Regional Court on January 6, 2006 to face charges of being a threat to national security. They were charged as accomplices of Sadio. However, on January 6, 2006, the government announced they were dropping all charges against Sud Communications. Sadio, who refused to appear in court, was sentenced in absentia to five years in prison, and a warrant was issued for his arrest.

On November 12, in response to the Sud FM affair and other encroachments on freedom of the press, members of a broad spectrum of the media organized a march in support of freedom of the press and ending the harassment of journalists. The march was joined by politicians, union members, and members of civil society.

Several groups believe failure to enforce regulations on establishing media outlets and distributing government-provided media assistance has led to a proliferation of media outlets, both print and audiovisual, which are unprofessional and politicized. Journalists and human rights groups maintained that some media outlets were created solely to refute antigovernment criticisms and defend the government. After the Madiambal Diagne case, journalists were increasingly concerned about what they believe are government efforts to control media content by giving or withholding money. The government frequently uses subsidies or more direct means to put pressure on the media not to publicize certain issues.

In December the National Council for the Regulation of Audiovisual Media (CNRA) was created to replace the High Audiovisual Council (HCA). Its mission is to respect pluralism and ethics. However, with its members chosen directly by President Wade, it gives his administration more control over the media.

In May filmmaker Joe Gai Ramaka was interrogated by the DIC regarding a film he was preparing about President Wade's regime.

There were no government restrictions on the Internet or academic freedom.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

Although the law provides 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.

According to human rights groups, the government refused to authorize planned demonstrations for war veterans, Idrissa Seck's and Abdourahim Agne's release, and against the Ezzan Amnesty Law. These 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 a new form of protest, citizens began wearing red armbands during demonstrations to express displeasure with government policy, particularly during visits by high-level officials. Even members of the governing party wore red armbands to show their lack of support for various initiatives. In November persons protesting the visit of President Wade to Thies wore red armbands to express their support for ex-Prime Minister Seck. Violent protests occurred in a few cities. In the city of Mbacke, three high school students were wounded, one of whom lost part of his arm from the explosion of a tear-gas grenade.

Unlike previous years, there were no reported killings of demonstrators. However, many demonstrations were banned this year. Although guaranteed by the constitution, the government issued administrative orders on several occasions to prohibit demonstrations, especially those initiated by political opponents. At times, the ruling party staged counter-demonstrations, such as on April 12, when it sought to prevent a Coalition of Opposition Parties (CPC) protest demanding more action by security forces during counter-demonstrations. In August a group of civil society and political leaders attempted to stage a demonstration to demand Seck's release, despite a ban on such protests. The police detained some of the protestors for 24 hours.

In November six young men were arrested for staging an unauthorized demonstration in Kolda. They went to trial, won their case, and were released on November 30 after nine days of detention.

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

On May 23, a party rival stabbed and injured Madiop Biteye, leader of MEEL (the youth movement of the ruling PDS). This was one of several cases of political violence that have characterized internal competition within PDS. The perpetrator of the attack, Bacary Traore, a law student at Cheikh Anta Diop University in Dakar, was sentenced to six months' imprisonment.

#### Freedom of Association

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

#### c. Freedom of Religion

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

Any religious group that wants 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 January 2004 death threats made against the country's Catholic clergy.

There were no reports of anti-Semitic acts. There is no significant Jewish community in the country. Most resident Jews are Israeli, American, or French citizens and number less than one hundred.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice. However, there were three notable exceptions during the year. Mamadou Alassane "Bro" Mbaye was arrested on March 23 at Dakar-Yoff Airport when he was about to leave for Italy. Mbaye was detained for several hours in connection with a statement he made the day before, alleging that the accidental death of his brother, Ismaila Mbaye, was suspicious. Ismaila was one of President Wade's bodyguards and was under investigation for the attack against political opponent Talla Sylla.

In November journalist Madiambal Diagne, who was detained in inhumane prison conditions in 2004 then later released, had his passport seized when attempting to board a flight to France for a media seminar. He was asked to report to the DIC the following day where his passport was returned to him after several hours of questioning.

In December Oumar Sarr, a Deputy in the National Assembly and defector from the PDS, was prevented from flying to Morocco, where he was to attend a conference of local governing bodies. He was given no explanation as to why he was not permitted to board his plane. The day before, he had introduced an amendment in the National Assembly to extend the mandate of the president of the assembly, angering the PDS. By the time he was permitted to fly, the conference had almost ended.

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 only enforced against teachers and not other public servants.

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

#### Internally Displaced Persons (IDPs)

During the more than two-decade-old Casamance conflict, tens of thousands of Casamançais fled villages due to fighting, forced removal,

and landmines. Because of improved security conditions after the December 2004 ceasefire, IDPs and refugees continued to return during the year. The number of IDPs during the year was estimated to be 20 thousand. The government continued to provide returning IDPs and refugees with roofing materials for home construction and sacks of rice.

### 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 the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed, both governments continued to permit generally unsupervised and largely informal repatriation. Due to the mobile nature of this population, the absence of identification documents, and cases of fraud, the exact number of remaining Mauritanian refugees was unknown. Anecdotal evidence from the UN High Commissioner for Refugees (UNHCR) and NGOs working with Mauritanian refugees estimated the number of refugees to be as much as 20 thousand.

In February several Mauritanian refugee groups staged a hunger strike during the visits of President Chirac from France and President Taya from Mauritania. First Lady Viviane Wade and High Commissioner for Human Rights Mame Bassine Niang intervened to stop the strike. Subsequently, Niang met with leaders in the Mauritanian refugee community and requested a memorandum detailing their situation since deportation. No further progress was reported at year's end. Mauritanian refugees seek an UNHCR-organized return to Mauritania, receipt of UNHCR-provided refugee identification documents, or, what one leader called, a durable solution. Representatives of the UNHCR office in Dakar claimed to be searching for a solution agreeable to all parties, and some exiles and refugees have reportedly returned to Mauritania since the August coup.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The National Eligibility Commission at the interior ministry is responsible for hearing requests to grant refugee status. If the commission issues a documented approval, the case is referred to the presidency for a presidential decree. Once an individual receives a printed approval from the commission, this document can be used to look for employment in the formal sector. Lengthy delays of one to two years before the granting of refugee status was still a concern.

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

The law provides citizens with the right to change their government peacefully, and citizens 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.

In previous years, the interior ministry was responsible for the organization and implementation of elections, an arrangement that opposition political parties criticized because of the interior minister's partisan affiliation with the president and the PDS. During 2004 the National Electoral Observatory (ONEL) oversaw and supervised elections and had the power to order bureaucrats to obey electoral laws as well as initiate legal action against individuals and parties who violated these laws. Under pressure from opposition political parties, the government created a committee tasked with establishing an autonomous electoral committee to replace ONEL.

Since August 2004, the government has adopted three electoral reform measures: creation of a new voter list, a new national identity card for registration, and a new Autonomous National Electoral Committee (CENA). In August 2004 the National Assembly adopted a proposal to redo the national voter rolls, requiring all eligible voters for upcoming national elections to re-register, or register for the first time. Under the same law, in an attempt to reduce the potential for voter fraud, a new national identity card was made the sole form of identification accepted for voter registration. Voters will also receive new voter registration cards to present at the polls.

As part of the national voter registration campaign, the government is expected to set up 500 fixed and 200 mobile voter registration offices throughout the country and provide electrical generators in areas with power-supply problems. In August the interior ministry conducted a successful test of the new registration system. The government had set a deadline of early 2006 to finish voter registration, but, in late August, Wade announced his intent to change the election calendar and hold joint legislative and presidential elections, which could affect the timetable for implementing electoral reforms. In May the National Assembly unanimously adopted the bill creating the CENA, which is tasked with monitoring all aspects of election management, is financially autonomous, and has independent authority to sanction electoral law violations. In August the CENA's 12 members were sworn in and began training courses despite opposition criticism that the government did not follow proper consultation procedures before naming the 12 members.

In addition President Wade introduced and the National Assembly passed a law temporarily amending the constitution in order to "couple"

the legislative and presidential elections. This effectively set the stage for both elections in 2007. The law was hotly debated, and a broad set of opposition groups held a rally to protest it, claiming this single act had broken whatever political consensus was in place. The opposition asked the constitutional council to rule on the constitutionality of the amendment.

There are 91 registered political parties according to official government sources.

There were 25 women in the 120-seat National Assembly and 7 women in the 40-member cabinet. A study conducted by the Union of Locally Elected Representatives Associations indicated that only 11 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 has a female mayor, but only 8 of 58 municipal counselors were women.

There were approximately 39 members of minorities in the 120-seat National Assembly and approximately 15 members of minorities in the 40-member cabinet.

### **Government Corruption and Transparency**

Government corruption was a problem, and there was a widespread public perception of government corruption.

In 2003 the government created a 10-member national anticorruption commission. On November 29, the National Commission to Fight Non-Transparency, Corruption, and Government Fraud officially began its activities with an initial operating budget of approximately \$28 thousand (15 million CFA francs).

During the year several corruption cases gained media attention, including widespread corruption in the health sector, as reported by Transparency International's local branch; the Seck case; and cases brought against Socialist-era director generals of parastatals.

At an April press conference, the prosecutor general at the Dakar appeals court claimed that since 2000, when President Wade took office, government authorities have initiated investigations into 24 cases of possible government corruption; some of the cases have been resolved but most were still under investigation at year's end. For example, in May authorities reopened the investigation into possible corrupt practices committed by Pathe Ndiaye, director general at the Port of Dakar from 1995 to 2000, and former Socialist leader in Rufisque. The criminal investigation department questioned Ndiaye several times between 2000 and 2002 for misuse of public funds; however, the investigation was not officially opened until May and was ongoing at year's end.

In December three Treasury inspectors at the Ministry of Economy and Finance were prosecuted for embezzlement and sentenced to six years' imprisonment and to pay to the government \$3.6 million (2 billion CFA francs).

Salary increases over the last two years for deputies at the National Assembly and civil servants at all levels, which also included all-terrain vehicles and land provided to deputies, only fostered the public belief that government officials were corrupt and only interested in self-enrichment.

The law provides 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.

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 received its budget from the government, had the authority to investigate abuses on its own initiative. The committee was poorly funded and was not effective in promoting human rights. It has not released an annual report during the past two years.

National assembly deputies participated in a Parliamentary Network on Human Rights and the Rule of Law. Members visited prisons, hospitals, and courts to observe conditions and report back to the National Assembly. The network made reports to the Minister of Justice and the president of the National Assembly, with recommendations to improve prison conditions for inmates and career prospects for prison guards.

### **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, female genital mutilation (FGM), abuse of children, child marriage, and trafficking in persons were problems.

#### **Women**

Domestic violence, including spousal abuse, was a widespread problem. Violence against women is against the law, although, 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. Several women's groups asserted that during the year there was a worsening trend in domestic violence. During the year there were growing reports of violence between co-wives in polygynous 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 Committee to Combat Violence Against Women (CLVF), a local NGO, criticized the failure of some judges to apply the law. There are no statistics available on the number of abusers prosecuted under the law during the year.

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.

Rape, including spousal rape, was a problem. The law prohibited rape, but not spousal rape. However, the government rarely enforced the law prohibiting rape. The law provides for 5 to 10 years' imprisonment for rape, and rapes resulting in death qualify for life imprisonment. One young man was arrested in October for attempted rape of a married woman. His case is ongoing at year's end. 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.

The NGO Tostan estimated FGM was practiced in thousands of villages throughout the country, particularly in the north, northeast, and southeast. In June 2004 the minister of family claimed that almost 100 percent of the 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 has prosecuted those caught engaging in the practice and fought to end it by collaborating with Tostan and other groups to educate people about the inherent dangers. During the year 140 villages renounced the use of FGM. Nevertheless, many people still practice 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. NGOs working with prostitutes claimed the problem was worse than official statistics on prostitution suggested, and that police targeted prostitutes for abuse and extortion.

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

Sexual harassment was common, but there have been only two sexual harassment cases since the law was passed in 1995. The law prohibits sexual harassment, which is punishable by a prison term of five months' to three years' imprisonment and a fine of \$100 to \$1 thousand (50 thousand to 500 thousand CFA francs); however, the government did not effectively enforce the law. 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 17 years and men younger than 21 years. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age requirement. This law was not enforced in some communities where marriages were arranged. 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 or given prior approval to the man's subsequent marriage. A 2004 study of marriage practices indicated that slightly less than 50 percent of the country's 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.

Traditional practices made it difficult for women to purchase property. Due to the fact that men are legally considered the head of household, until the end of the year 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 but not to women.

Only an estimated 20 percent of women have paid employment. In March at the fifth conference of African Women's Jurists, women criticized weak participation in productive and industrial activities, including modern economic sectors such as information technologies, energy, and natural resource management. 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 are women.

Women's groups criticized discriminatory provisions in the law, a problem the government has admitted. However, in September the

president appointed the first woman to be police chief for the police department of Dakar.

## Children

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

The law provides for free education, and education policy declares education to be compulsory for children ages 6 to 16; however, many children did not attend school for lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to government, NGO and international donor efforts, school enrollment reached 82.5 percent during the year. In fact, President Wade established "Places for the Little Ones" throughout the country to serve as pre-kindergartens for children. He also encouraged increased school enrollment. However, the highest level of education attained by most children is elementary school. In the 2005-2006 academic year, more girls than boys were enrolled in elementary school for the first time ever.

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 is more readily available to children in urban areas than to those in rural parts of the country. Many villages completely lacked health care facilities.

Child abuse was common. Easily observable are the many poorly dressed, barefoot young boys (known as "talibés") begging on street corners for food or money for their Koranic teachers ("marabouts"). In the past year, two marabouts were arrested for chaining up and beating their talibés. There were periodic reports of child rape (in one case, three minor sisters were raped by a man), children exploited for sexual tourism, infanticide, and children physically abused by their parents.

Cases of pedophilia were often reported in the press. For example, in September a man was discovered by police to be in the act of molesting a 13-year-old girl. He was being prosecuted for the crime at year's end. One foreign national was arrested March 23 after being caught in the act of molesting a 15-year-old boy he had picked up from a school for children in difficult living situations. At his initial trial, he was convicted of a "flagrant delit" (as he was apprehended in the act) and sentenced to five years in prison. He was also ordered to pay approximately \$1,900 (1 million CFA) to the victim. Upon appeal, his conviction was upheld, but his sentence was reduced to three months in prison. At that point, he was released with time served. One of the country's leading prosecutors indicated that his sentence was reduced for "insufficient evidence."

The law punishes sexual abuse of children with 5 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 2 to 5 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 between \$575 (300 thousand CFA francs) and \$7,600 (4 million CFA francs).

Because of social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. 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.

FGM was performed primarily on girls (see section 5, Women).

The law prohibits marriage for girls younger than 17 years and men younger than 21 years; however, 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 because of religious, economic, and cultural reasons.

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

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

Many children have been 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 Casamance, displaced children suffered from psychological effects of conflict, malnutrition, and poor health.

Infanticide is a problem. It is usually due to poverty or embarrassment. Many domestic workers or women from villages who go to cities for work and find themselves pregnant but without family ties and kill their babies because they cannot care for them. Others who may be married to men working outside the country that give birth to an illegitimate child will often dispose of their infants out of shame or to hide the truth. In some cases, the families of the women shame them into killing their own babies. Methods range from burying them alive, putting them in septic tanks, or, in the "best case" scenario, simply abandoning them along the road. The press has reported a rise in infanticide in the holy city of Touba. When the identity of the mother is discovered, the police arrest and prosecute her. For example, in December Dieynaba Laye was convicted and sentenced to 5 years' forced labor for strangling her newborn with its own umbilical cord.

## Trafficking in Persons

The law prohibited trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. In April the National Assembly unanimously adopted a law prohibiting human trafficking. Older laws prohibit pimping and kidnapping, which could be used in some trafficking cases. Under the new 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 5 to 10 years' imprisonment and a fine of between \$10 thousand and \$40 thousand (5 to 20 million CFA francs). When the infraction involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, jail time could range from 10 to 30 years' imprisonment.

During the year the government arrested, prosecuted, and convicted traffickers. During the year there were prosecutions for rape, pedophilia, prostitution, and abuse of talibé children; however, there was no system to regularly collect statistics on cases. The human rights commissioner and the family ministry were the government's coordinators on human trafficking issues.

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 regards to child begging. Talibés were trafficked from surrounding nations, such as The Gambia, Mali, Guinea, and Guinea-Bissau, and internally to participate in exploitive begging by some Koranic schools. According to the UN International Children's Emergency Fund (UNICEF), the country had 100 thousand talibe boys and 10 thousand street children. "Marabouts," the Koranic teachers who take charge of these boys, were the principal traffickers in the country. 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. In one case, a Guinean citizen was arrested by gendarmes for allegedly recruiting women in Dakar to produce pornography and for engaging in cyber-crime.

The country is 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's staff, they saw many women from surrounding African countries--Nigeria, Ghana, Sierra Leone, Liberia, Guinea-Bissau, and Guinea--practicing prostitution. Evidence suggested foreign prostitutes' entry to the country was organized: groups of women often crossed the border together; foreign prostitutes usually lived together in identifiable dwellings; foreign prostitutes were never found sleeping on the street but had a predetermined destination upon arrival; women from Anglophone countries knew the French and Wolof phrases to solicit sex, making it appear as if they were trained; despite the fact many come from conflict zones, foreign prostitutes were well-dressed upon arrival; and many foreign women came to the country but did not stay indefinitely, suggesting their departures were better organized and professional. Nevertheless, there was no definitive proof these women were trafficking victims.

The government prosecuted victims for violating prostitution laws, such as not having the proper documentation (registration/medical information), or what is referred to as "escroqueries" (swindling), when people lure others into immigration scams. Authorities have not discouraged victims from filing complaints against traffickers. However, to date, trafficking victims have filed few complaints.

Most government efforts to combat trafficking, particularly trafficking in persons, are centered in the Ministry of Women, Family and Social Development, which operated the Ginddi Center, a children's center where over 4 thousand child trafficking victims received nutritional, medical, and other assistance over a two and one-half-year period. The center accommodated children from The Gambia, Mali, Guinea-Bissau, and Guinea. The center was also home to a toll-free child protection hot line that has fielded over 150 thousand calls since May 2003. The ministry also worked with other ministries to combat the worst forms of child labor. 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. No laws mandate accessibility for persons with disabilities, and there was a lack of infrastructure to assist them.

During the year, President Wade passed a decree requiring that 15 percent of new civil service positions would be reserved 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 could receive training and funding for establishing businesses.

Despite these efforts, the leader of a women's handicapped association 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 the persons with disabilities, offered services to other vulnerable populations and subsequently persons with disabilities received fewer resources. Lack of special education training for teachers and facilities accessible to children with disabilities meant that only 30 percent of them were enrolled in school.

#### National/Racial/Ethnic Minorities

While the country's many ethnic groups have coexisted relatively peacefully, some observers have cited inter-ethnic 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 face widespread discrimination and social intolerance, but they are not targeted for violence and harassment. Because homosexuality is not tolerated by society, homosexuals make no attempt to assert their individual rights.

As a result of awareness campaigns to combat this disease, persons with HIV or AIDS were not discriminated against. In fact, the government has implemented a free anti-retroviral program to treat HIV/AIDS patients. However, they often feel stigmatized. One local doctor estimated that approximately four thousand people with HIV or AIDS have refused to identify themselves and benefit from the government program for fear of being rejected by others.

## Section 6 Worker Rights

### a. The Right of Association

By law, all workers, except security forces, such as the 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 has not done so. The labor code does not apply to the majority of the workforce because most persons worked 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 belong to unions

### 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 but with significant restrictions; however, workers exercised this right by conducting legal strikes. Health, transportation, manufacturing, education, justice, 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. 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 with 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), 50 percent of the population was under 16 years of age, and over 35 percent of these children were engaged in child labor in several different sectors: mining, construction, transportation, domestic work, commerce, restaurant and hotel work, manufacturing, and--making up the largest percentage of child laborers--agriculture, fishing, and hunting.

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.

One particularly egregious area of child labor is in the mining and rock quarry sector. Child gold washers, mostly between the ages of 10 and 14, work around 8 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 can lead to 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 are 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 with local government officials, NGOs, and elements of civil society. For example, during an Independence Day speech, President Wade highlighted the need for child protection and efforts to combat exploitive child begging. In 2004 the family ministry organized seminars with assistance from UN International Children's Emergency Fund and the Italian government to sensitize over five thousand youth to the dangers of underage prostitution. The government has taken steps to provide classes in religious education via the formal school system, to provide an alternative to parents sending their children to Koranic schools, where they may be abused.

In August the ILO initiated a project in Fatick to remove children under age 15 from working in domestic labor. The project is expected to encompass 10 villages, continue for a year, and provide training to children in cloth dyeing, sewing, and food-processing.

e. Acceptable Conditions of Work

The national minimum wage was \$0.42 (209.10 CFA francs) per hour, which did not provide a decent standard of living for a worker and family.

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, but 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 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.

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