

SENEGAL 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Senegal is a moderately decentralized republic dominated by a strong executive branch. In 2012 voters elected Macky Sall to succeed Abdoulaye Wade as president for a seven-year term. In July 2012 Sall's coalition won a majority of seats in the National Assembly. Local and international observers viewed the elections as largely free and fair. Authorities generally maintained effective control over the security forces.

The most significant human rights problems included prison overcrowding, lengthy pretrial detention, and corruption.

Other major human rights problems included: physical abuse, including torture, by security forces; arbitrary arrests; questionable investigative detention; lack of judicial independence; restrictions on freedom of assembly; rape, domestic violence, sexual harassment of and discrimination against women; female genital mutilation/cutting (FGM/C); child abuse; early and forced marriage; infanticide; violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; discrimination against persons with HIV/AIDS; trafficking in persons; and child labor, including forced child labor.

The Sall government continued efforts to investigate and hold to account former Wade administration officials accused of corruption. Nevertheless, impunity for crimes and abuses committed by government and security officials remained a problem.

Persons generally believed to be rebels associated with the Movement of Democratic Forces of the Casamance (MFDC) robbed and harassed local populations.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports the government or its agents committed arbitrary or unlawful killings.

For example, on August 14, a police officer allegedly shot and killed university student Bassirou Faye, according to an eyewitness. Faye was participating in a demonstration at Dakar's Cheikh Anta Diop University. Police vandalized student dormitories and beat students, some of whom were hospitalized due to their injuries. A government investigation resulted in the arrest of police officer Tombon Oualy, who was charged with killing Faye and awaiting trial at year's end.

In April the two prison guards accused of the 2013 killing of a detainee at Rebeuss Prison were released on bail, pending trial. A postmortem examination of the detainee reportedly concluded the death resulted from choking and blows from a blunt instrument.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

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

In August a court in Dakar ordered the incarceration of six firefighters on charges of torture and manslaughter. Investigators alleged the six killed a trainee firefighter, Cherif Ndao, during a training exercise in the town of Thies.

Human rights criticized security force impunity and lack of supervision, particularly in the treatment of detainees in police custody. The government claimed these practices were not widespread and that it usually conducted formal investigations into cases of abuse. Investigations were often unduly prolonged and rarely resulted in charges or indictments.

In May the regional appellate court in Kaolack convicted a paramilitary police commander of the 2013 torture of a suspected cattle rustler. The police commander was given a suspended sentence and fined.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and sometimes life threatening.

Physical Conditions: There were 37 prisons organized into six penal districts. According to the Office of the Director of the Prison Administration, at the end of 2012, the country's prisons held 8,428 prisoners and pretrial detainees, including 159 juveniles and 238 women. Dakar's main prison facility, Rebeuss, held 1,943 inmates at the end of 2012, although it was designed for 800. To relieve overcrowding the government conditionally released 184 convicted prisoners in 2012 and 684 in 2013. Female detainees generally had better conditions than did men. Pretrial detainees were not always separated from convicted prisoners. Authorities held boys separately from men, while girls were held together with women.

According to government statistics, 49 prisoners died in custody in 2013.

The National Organization for Human Rights, a nongovernmental organization (NGO), identified overcrowding and lack of adequate sanitation as major problems. Poor and insufficient food, stifling heat, poor drainage, and insect infestations also were problems. Prisons were usually connected to the local water supply so that prisoners had access to potable water.

Administration: The administration kept some records on prisoners, but computerizing recordkeeping was inaccurate due to inadequate staff training and power shortages at many government facilities. Authorities did not use alternatives for sentencing nonviolent offenders. Ombudsmen were available to respond to complaints. Prisoners generally had reasonable access to visitors and some access to lawyers, and they could observe religious practices. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship or to request investigation of credible allegations of inhuman conditions.

The governmental National Prevention Mechanism, created in 2012, conducted inspections of detention facilities in 2013 and 2014. Prisoner complaints of harsh treatment prompted at least two of the prison inspections. The National Prevention

Mechanism subsequently submitted a report to the Ministry of Justice that criticized living conditions and lengthy pretrial detention. The inspection resulted in criminal charges being filed against two prison officials.

Independent Monitoring: The government permitted prison visits by local human rights groups, all of which operated independently, and international observers. Members of the International Committee of the Red Cross visited prisons in Dakar and Casamance.

Improvements: The government took steps to improve prison conditions, including increasing by 9 percent the amount budgeted for daily subsistence per prisoner to 635 CFA francs (\$1.20).

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The National Police are part of the Interior Ministry and operate in major cities. The gendarmerie is under the aegis of the Ministry of Defense and is employed primarily in rural areas where there is no police presence.

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

For example, police violence during the 2012 presidential election campaign resulted in the deaths or injuring of 25 opposition members, according to the Association of the Victims and Families of Victims of Political Violence. Although police opened investigations, no police were arrested by year's end, and no compensation was paid to victims' families, as police promised to do in 2012.

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

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

Arrest Procedures and Treatment of Detainees

Although the law requires warrants issued by judges for police to make an arrest, police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods before filing formal charges. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police officers, including DIC officials, may double the detention period from 24 to 48 hours without charge if a prosecutor so authorizes. Investigators can request that a prosecutor double this period to 96 hours. For cases involving claimed threats to state security, the detention period may extend to 192 hours. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International criticized for resulting in unjustly long detention periods. Bail was rarely available. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical examination. Officials generally did not allow family access. The accused has the right to an attorney, and an attorney is provided at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. Indigent defendants do not always receive attorneys in misdemeanor cases. A number of NGOs provided legal assistance or counseling to those charged with crimes.

Arbitrary Arrest: In April police arrested 28 demonstrators after forcibly dispersing a rally to protest plans to build a foreign embassy in a waterfront area where construction is prohibited. The demonstrators were released a few hours later.

Pretrial Detention: Approximately 48 percent of the prison population consisted of pretrial detainees. The law states an accused person may not be held in pretrial

detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court demanded their release. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving allegations of murder, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases pretrial detainees were held for longer than the length of sentence received.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was inefficient and subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they openly questioned the government's commitment to judicial independence.

Trial Procedures

The law provides that defendants enjoy the presumption of innocence and that they cannot be forced to testify against themselves or confess guilt. All defendants have the right to a public trial, to be present in court during their trial, to confront and present witnesses, present evidence, and to have an attorney (at public expense if needed) in felony cases. Defendants have the right to be informed of the charges against them promptly and in detail with free interpretation as necessary. They have the right to sufficient time and facilities to prepare their defense. The government generally respected these rights.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial. A panel of judges presides over ordinary courts in civil and criminal cases; a 2012 law eliminated trials by jury. The right of appeal exists in all courts, except for the High Court of Justice. These rights extend to all citizens.

Political Prisoners and Detainees

By the end of 2013, all political prisoners and detainees were released; none was arrested or detained during the year.

Civil Judicial Procedures and Remedies

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Citizens can also seek administrative remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. There were also problems in enforcing court orders, since the government can ignore court orders without legal consequences.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The decrease in violence in the Casamance continued a trend that began after President Sall launched a peace initiative in 2012. As part of the initiative, the government acknowledged that a military solution to the conflict was not achievable. Both the government and the MFDC rebels accepted mediation by Christian and Islamic religious organizations with experience in conflict mediation. Mediation efforts continued and made incremental progress.

Killings: Violence resulted in several casualties in the Casamance but fewer than in the previous year. An undetermined number of MFDC rebels died in accidental encounters with government forces or as a result of pursuit following acts of banditry. Neither MFDC rebels nor the army conducted offensive operations in the Casamance during the year.

Abductions: The MFDC briefly detained a government medical team carrying out vaccinations, along with a soldier who accompanied the team.

Physical Abuse, Punishment, and Torture: The MFDC targeted noncombatants and civilians, including women and children, primarily through banditry, although such attacks continued to decrease. There were two landmine accidents during the year. In August a landmine explosion killed seven persons and injured three. Most of the victims were children. Earlier in the year, a landmine explosion slightly injured a child. Some MFDC faction leaders blocked mine clearance in

areas they controlled, greatly reducing humanitarian clearance activities. Unlike in the previous year, the MFDC took no mine clearance workers hostage.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: The constitution provides the right to express opinions freely, in words, in writing, in images, and by peaceful marching. These freedoms were occasionally limited in practice, and criminal defamation laws remained in place.

In January a court convicted Bara Gaye of making remarks offensive to the president during a May 2013 political demonstration. Gaye, who was released on bail in December 2013, was sentenced to time served.

Press Freedoms: Independent journalists regularly criticized the government, and libel, blasphemy, and security laws were generally not used to silence them. Many private, independent print publications and three government-affiliated newspapers published regularly in Dakar, although their distribution in rural areas was irregular.

Radio was the most important medium of mass information and source of news due to the high illiteracy rate. There were approximately 80 community, public, and private commercial radio stations. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the allocation of frequencies.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), nine privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controls selection of all members of the 12-person RTS executive staff.

Violence and Harassment: Government authorities occasionally harassed, detained, and assaulted journalists, although such incidents continued to decline.

In August police in Dakar charged Samuel Sarr with disseminating false news and defaming the head of state, along with other crimes. In an online posting, Sarr, who had served in the government of former president Wade, accused President Sall of corruption. In October authorities released Sarr on bail.

Censorship or Content Restrictions: Occasional incidents of self-censorship by journalists occurred, particularly in government-controlled media, and selective government media assistance appeared to favor those government and independent outlets friendlier to the administration. The government frequently used subsidies, and in a few cases threats and intimidation, to pressure the media not to publicize certain issues.

Libel Laws/National Security: The law criminalizes libel, and authorities used libel laws to block or punish critical reporting and commentary.

In August 2013 three journalists with the private daily newspaper *Le Quotidien* were each sentenced to one month in prison and fined one million CFA francs (\$1,900) on charges of defaming former foreign minister Alioune Badara Cisse. The defendants--reporter Mamadou Biaye, news intern Bastien David, and managing editor Madiambal Diagne--were also ordered to pay 10 million CFA francs (\$19,000) in damages to Cisse. *Le Quotidien* was ordered closed for three months.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, approximately 21 percent of individuals used the internet in 2013.

Unlike in the previous year, there were no reports that foreign bloggers who criticized the government were expelled from the country. In May 2013 government officials questioned Chadian blogger and journalist Makaila Nguebla about his work--which frequently criticized the Chadian government--and his association with other critical Chadian bloggers recently arrested in that country. After questioning, Nguebla--who had lived in Senegal since 2005--was handcuffed, placed on a flight to Conakry, Guinea, and expelled from the country.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government sometimes restricted this right. Some groups complained of undue delays when waiting for a government response to authorization requests for public demonstrations. In other cases the government denied authorization for demonstrations. For example, in August the government denied authorization for a rally the Senegalese Democratic Party planned to hold in Dakar.

Security forces also used excessive force to disperse demonstrators. For example, in January soldiers injured two students during a demonstration in the town of Ziguinchor when they fired their weapons in the air to disperse the crowd. The students were protesting the lack of teachers at their school in a nearby town.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and

stateless persons. There were 14,247 refugees in the country, 13,703 of whom were Mauritanian, according to the UNHCR.

In-country Movement: MFDC banditry and use of mines restricted freedom of movement in the Casamance.

Foreign Travel: The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary actively enforced this law and required authorization for overseas travel by military personnel and magistrates.

Internally Displaced Persons (IDPs)

During the 30-year Casamance conflict, tens of thousands of persons left villages in the region due to fighting, forced removal, and land mines. The government estimated 10,000 IDPs remained in the Casamance, although this number fluctuated with the ebb and flow of the conflict. Some international humanitarian assistance agencies estimated the IDP number to be as high as 40,000. During the year some IDPs reportedly attempted to return to their villages in the Casamance.

The government supplied food to and enrolled IDP children in local schools in Ziguinchor.

Protection of Refugees

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

The government did not offer some asylum seekers due process or security, since appeals filed by denied asylum seekers were examined by the same committee that examined their original case. A denied asylum seeker can be arrested for staying illegally in the country, and those arrested sometimes remained in “administrative detention” for up to three months before being deported. According to the UNHCR, as of January there were 2,481 asylum seekers in the country.

Durable Solutions: Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the Senegal River valley along the Mauritanian border and enjoyed free movement within the country. Most refugees could not obtain refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. Following discussion with the UNHCR, the government agreed to provide digitized and biometric identification cards to refugees. Since 2012 the government, in partnership with the UNHCR, has issued refugee cards to approximately 19,000 refugees, including 14,000 Mauritians.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from the Gambia and Guinea-Bissau. According to the UNHCR, 19,331 Senegalese refugees remained in the Gambia and Guinea-Bissau as of June 30.

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

The constitution and law provide citizens the ability to change their government through free and fair elections, which they generally exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In March 2012 voters elected Macky Sall to succeed Abdoulaye Wade as president for a seven-year term. In July 2012 Sall's coalition won a majority of seats in the National Assembly. Local NGOs and observers from the EU, African Union, and Economic Community of West African States characterized the elections as generally free and fair.

Participation of Women and Minorities: There were 65 women in the 150-seat National Assembly and seven women in the 34-member cabinet. According to an academic study published in 2013, of 421 presidential appointees named between April 2012 and June 2013, 46 were women.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: The government continued its efforts to prosecute corrupt officials. Using the Court of Repossession of Illegally Acquired Assets (CREI), which the government reactivated in 2012, and the National Anti-Corruption Commission (OFNAC), which was established in 2012, the government investigated several members of the former ruling party. In April 2013 Karim Wade, a former government minister and the son of former president Wade, was arrested on charges of the corrupt acquisition of up to \$1.4 billion while in office. In July the CREI re-indicted Wade. In August the same court issued criminal charges against Abdoulaye Balde, the mayor of Ziguinchor and a former cabinet minister. At year's end Wade's trial was in process, and Balde awaited trial.

The CREI is charged with prosecuting financial crimes committed by government officials, including money laundering, illegal foreign transfers, and theft. The National Commission on Restitution and Recovery of Ill-gotten Assets is charged with recovering stolen and hidden assets, with proceeds to be deposited in the state treasury. These anticorruption agencies generally operated independently and had adequate resources.

Financial Disclosure: Public officials were subject to financial disclosure laws only in cases of investigation. The president is the only official required by law to disclose assets at the beginning of his term, and this asset declaration is available to the public. In January the National Assembly passed a law that requires some public officials to disclose their assets to OFNAC within three months of taking office. This mandate applies to the president, cabinet ministers, the speaker of the National Assembly and its chief financial officer, and managers of public funds in excess of two million dollars. Failure to comply may result in a penalty amounting to one quarter of an individual's salary. The president may dismiss appointees who do not comply. Disclosures made under the law are confidential, and unauthorized release of asset disclosures is a criminal offense.

Public Access to Information: The constitution and law provide citizens the right to access government information, but authorities did not follow consistent practices with respect to determining the grounds for nondisclosure, establishing deadlines for responding to requests for information, or charging processing fees. The government did not have an appeals mechanism to review disclosure denials or public outreach activities or training for public officials on the release of government information.

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

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

The United Nations or Other International Bodies: In 2012 the government reached an agreement with the African Union to establish “Extraordinary African Chambers” within the legal system to try former Chadian dictator Hissene Habre. A month earlier the International Court of Justice held that Senegal was in breach of its obligation to extradite or prosecute Habre under the UN Convention against Torture. The court ruled the government should submit Habre’s case for prosecution without further delay if it did not extradite him to Belgium. In July 2013 the government established the Extraordinary African Chambers; however, at year’s end Habre remained in detention awaiting trial.

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

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

The constitution provides that men and women are equal under the law, and prohibits discrimination based on race, gender, disability, language, or social status. Nevertheless, discrimination was widespread, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced. There are no laws to prevent discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by five to 10 years’ imprisonment. Nevertheless, the government rarely enforced the law, and rape was widespread. The law does not address spousal rape. The law allows

the common practice of using a woman's sexual history to defend men accused of rape.

The law criminalizes assaults and provides for punishment of one to five years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years. If an act of domestic violence causes death, the law prescribes life imprisonment. Nevertheless, the government did not enforce the law, particularly when violence occurred within the family. Police usually did not intervene in domestic disputes, and most victims were reluctant to go outside the family for redress.

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

Several women's groups and the CLVF reported a rise in violence against women. Although no nationwide statistics were available, the CLVF reported domestic violence cases accounted for more than 90 percent of all reported cases of violence against women in Dakar in 2011 and 60 percent of cases in Saint Louis. The CLVF further reported that between 2008 and 2012, there were 249 reported cases of violence against women in Dakar, of which 229 involved domestic violence. The Ministry of Justice estimated in 2009 (the most recent information available) that 47 percent of accused rapists went unpunished and were released without trial.

The Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women. The Ministry of Justice was responsible for combating domestic violence. The government-run Ginddi Center provided shelter to women and girls who were victims of rape or early marriage, and to street children.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense. It was not commonly inflicted on women but was widely perpetrated on girls (see section 6, Children).

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA francs (\$95 to \$950) for sexual harassment; however, the problem was widespread. The government did not effectively

enforce the law, and women's rights groups claimed victims of sexual harassment found it difficult, if not impossible, to present proof that was sufficient to secure convictions.

Reproductive Rights: The law provides that all individuals have the right to be informed about and choose methods for spacing births. It also provides for the right to medical services for all women during pregnancy and to a safe delivery. The law considers the right to reproductive health a "fundamental and universal right guaranteed to all individuals without discrimination." The law provides that all couples and individuals have the right to decide freely to have children, to determine the number and spacing of children they wish, to have the information and means to do, and to attain the highest level of reproductive health.

Poor medical facilities constrained these rights, particularly in rural areas and in some urban areas, where lack of funds led to closing of maternity wards and operating rooms. At times cultural norms impeded women's access to information regarding sexual health. According to 2011 statistics provided by the UN Population Fund (UNFPA), skilled personnel attended approximately 52 percent of births and provided prenatal care in 87 percent of cases; the maternal mortality ratio was 410 deaths per 100,000 live births; and the lifetime risk of maternal death was one in 31. The Ministry of Health and Social Action estimated most maternal deaths in childbirth were preventable if skilled health personnel and emergency obstetrical services were available. Social and cultural pressures to have large families reportedly led some husbands to ask health workers to terminate the use of contraceptives by their spouses. This reportedly led women to be discreet in the use of contraception. The UNFPA estimated 12 percent of all girls and women between the ages of 15 and 45 used a modern method of contraception.

Discrimination: Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny and discriminatory rules of inheritance, were strongest. The law requires a woman's approval of a polygynous union, but once in such a union, a woman needed neither to be notified nor to give prior consent if the man took another wife. Approximately 50 percent of marriages were polygynous. The family code's definition of paternal rights also remained an obstacle to equality between men and women. The code considers men to be heads of household, preventing women from taking legal responsibility for their children. Women can become the legal head of household only if the husband formally renounces his authority before authorities or if he is unable to act as head of household. Traditional practices also made it difficult for women to purchase property in rural areas.

Men and women have equal rights to apply for a job. Women represented 52 percent of the population, but they performed 90 percent of domestic work and 85 percent of agricultural work. The law requires equal pay for equal work, but women experienced discrimination in employment and operating businesses (see section 7.d.).

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

Children

Birth Registration: Citizenship is acquired by birth or naturalization. Only the father can automatically transmit nationality to legitimate children; the mother can do so only if her husband is stateless. Legitimate children born to Senegalese women with foreign husbands have the option to acquire citizenship between the ages of 18 and 25. Illegitimate children acquire the citizenship of the first known parent at birth. The law does not make birth declaration mandatory, but birth certificates are required for enrolling children in school and obtaining other civil documents. According to the UNFPA, approximately 55 percent of all births were registered. Registering births required travel to a registration center and payment of a small fee, although a program initiated by Swiss NGO Aid and Action allowed village chiefs in some areas to register births by text messaging.

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

Girls encountered greater difficulties in continuing in school beyond the elementary level. When families could not afford for all their children to attend school, parents tended to remove daughters rather than sons from school. Sexual harassment by school staff and early pregnancy also caused the departure of girls from school. The UN Children's Fund reported schools enrolled 28 percent of boys in secondary education, compared with 22 percent of girls.

Child Abuse: Child abuse was common, particularly among "talibes," children sent by their parents to study in Quranic schools. At some Quranic schools these children were exploited, physically abused, and forced to beg on street corners. Since they begged full time, they devoted almost no time to Quranic studies. In

January a study conducted by the government's taskforce on trafficking found an estimated 54,800 talibes in the Dakar region alone. Of this number an estimated 30,100 were forced to beg. Most talibes were approximately 10 years old, although some reportedly were as young as age two.

Early and Forced Marriage: By law women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but this law generally was not enforced in most communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age of consent. According to the UNFPA, 33 percent of women between the ages of 20 and 24 were married before the age of 18, based on surveys completed between 2000 and 2011.

Officials from the Ministry of Women, Family, Social Development, and Women's Entrepreneurship and women's rights groups stated child marriage was a significant problem in parts of the country, particularly in rural areas, and they undertook educational campaigns to address it.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense, but almost all girls in the northern Fouta Region were victims of FGM/C, as were 60 to 70 percent of girls in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM/C, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnic groups, particularly in rural and some urban areas. According to the NGO German Society for International Cooperation, excision, type II, was the form of FGM/C most frequently practiced. According to 2012-13 survey data from the National Institute for Statistics, FGM/C had been performed on 18 percent of girls below age 14.

The government collaborated with the NGO Tostan and other groups to educate individuals about FGM/C's inherent dangers. The government also collaborated with the NGO Group for Population Studies and Education to develop a course on the dangers of FGM/C, which was being integrated into high school and college curriculums. At the community level, Tostan continued to implement a three-year community empowerment program that influenced 760 villages to decide to abandon FGM/C.

In collaboration with key stakeholders across 14 regions, the Ministry of Justice developed a work plan to enforce the law against FGM/C and to monitor compliance with anti-FGM/C programs. In villages that participated in the Tostan

program and declared FGM/C abandonment, enforcement committees were formed to assure that families complied with the declaration. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship organized workshops across the country to encourage application of the law. Administrative authorities, local elected officials, and representatives of community-based organizations attended such workshops.

Sexual Exploitation of Children: The law provides that convicted sexual abusers of children receive five to 10 years' imprisonment. If the offender is a family member, the maximum is applied. Any offense against the decency of a child is punishable by imprisonment for two to five years and in certain aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million CFA francs (\$570 to \$7,570). If the crime involves a victim younger than 13, the maximum penalty is applied. The law was not effectively enforced.

In the southeast gold mining region of Kedougou, exploitation of women and girls in prostitution was a problem. During the year police investigated reports of exploitation and convicted perpetrators in two cases.

The minimum age of consensual sex is 18. Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished.

Pornography is prohibited. Pornography involving children under the age of 16 is considered pedophilia and punishable by up to two years' imprisonment and fines of up to 300,000 CFA francs (\$570). There were no reports of child sex tourism.

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

Displaced Children: Many children displaced by the Casamance conflict lived with extended family members, neighbors, in children's homes, or on the streets.

According to NGOs in Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

The government provided grants and managed regional centers for persons with disabilities to receive vocational training and offered funding for establishing businesses. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of such children in primary school. Anecdotal evidence indicated children with disabilities who did not attend school generally stayed at home and, in some cases, begged on the streets. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities struggled to access voting sites. A 2010 law reserves 15 percent of new civil service positions for persons with disabilities, but the Senegalese National Association of People with Physical Disabilities reported the government failed to issue the executive decree required to make the law operational.

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

National/Racial/Ethnic Minorities

Ethnic groups generally coexisted peacefully. Nevertheless, in the Casamance a perceived lack of respect for the region's largest ethnic group, the Diola, by the mostly Wolof Senegalese in the north contributed to the long-running Casamance conflict.

Individuals of lower castes were still sometimes subject to discrimination. Most persons considered the subject of caste discrimination to be taboo, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity.

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

Consensual same-sex sexual activity, referred to in the law as an "unnatural act," is a criminal offense, and penalties ranged from one to five years' imprisonment and fines of between 100,000 and 1.5 million CFA francs (\$190 and \$2,840). Enforcement was haphazard, but authorities prosecuted approximately 10 cases each year.

LGBT persons often faced widespread discrimination, social intolerance, and acts of violence. Local NGOs worked actively on LGBT rights issues, but because of social stigma and laws against homosexuality, they maintained an exceedingly low profile. There are no laws to prevent discrimination based on sexual orientation or gender identity.

The media rarely reported acts of hatred or violence against LGBT persons. Local human rights groups, however, reported LGBT persons faced frequent harassment by police, including arbitrary arrest and poor treatment in detention due to their sexual orientation.

HIV and AIDS Social Stigma

The government and NGOs conducted HIV/AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS. Nevertheless, human rights activists reported HIV-positive individuals or those with AIDS experienced discrimination due to the widespread belief that such status indicated

homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs for fear their sexual orientation would be discovered by their families.

The law prohibits all forms of discrimination against persons with HIV/AIDS. The law also allows medical doctors to inform spouses of persons with HIV/AIDS of their partners' status if the latter fail to do so after a reasonable time.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law permits all workers to form and join unions, except security force members, including police and gendarmes, customs officers, and judges. Before a trade union can exist legally, the labor code requires authorization from the Ministry of Interior. Under the law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. In addition the law provides that minors (both as workers and as apprentices) cannot organize without parental authorization. The state prosecutor can dissolve and disband trade unions by administrative order if union administrators are not following union regulations for what a union is supposed to be doing on behalf of its members. The law prohibits antiunion discrimination.

The law allows the right to strike; however, certain regulations restrict this right. The constitution seriously undermines the right to strike by stipulating that a strike must not infringe on the freedom to work or jeopardize an enterprise. The law states workplaces may not be occupied during a strike, whether or not such strike is peaceful, and may not violate nonstrikers' freedom to work or hinder the right of the management to enter the premises of the enterprise. This means pickets, go-slow, working to rule, and sit-downs are prohibited. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The right to strike is restricted further by the power of authorities to requisition workers to replace those on strike in all sectors, whether or not they are "essential services" sectors. Penalties for noncompliance include a fine, imprisonment from three months to one year, or both. The labor code does not apply to the informal sector and thus excludes the majority of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses.

The law allows unions to conduct their activities without interference and provides for the right to bargain collectively. Collective bargaining agreements, however, applied only to an estimated 44 percent of union workers.

Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. Trade unions organize on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

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

Such practices continued to occur, particularly forced child labor, including forced begging by children in Quranic schools (see sections 6 and 7.c.). Some children in Quranic schools were kept in conditions of servitude, being forced to work daily, generally in street begging, and had to give the money received to their teachers. Enforcement and awareness of antitrafficking and forced labor laws was poor across sectors. There were no public data on arrests, prosecutions, or convictions for forced begging. There were no reports of victims being removed from forced labor during the year.

Also see the Department of State’s *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt/>.

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations on child labor set the minimum working age, working hours, and working conditions for children and prohibit children from performing particularly dangerous jobs. The law prohibits many forms of child labor exploitation but includes exceptions. In the agricultural sector, for example, children as young as 12 are permitted to work in a family environment when necessary. The law also

allows boys under 16 to work in underground mines and quarries doing “light work.” Due to the nature of the dangers associated with mining, “light work” activities do not prevent exposure to hazards.

The minimum age for employment is 15. Inspectors from the Ministry of Labor are charged with investigating and initiating lawsuits in child labor cases. The ministry’s investigators can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens.

Labor laws prohibiting child labor were largely unenforced. For example, the Ministry of Labor sent investigators to investigate formal work places, but they were not trained to deal with child labor problems. Many of the child labor abuses took place in the informal economy, where there were no inspections. The country’s mining sector included a large informal, unregulated artisanal mining sector where entire families were engaged in artisanal mining work. There were no reports of inspections in mines during the year. The Child Labor Division in the Ministry of Labor was disbanded in 2011 and was not re-established. Inspectors did not initiate visits to investigate child labor violations because they lacked adequate funding and expertise to handle child labor cases. There was no specific system in place to report child labor violations, largely due to inadequate funding of the Child Labor Office and the Ministry of Labor. The ministry instead relied on unions to report violators.

The government conducted seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor and exploitive begging. The government was implementing its child labor plan, which focused on improving the management of child labor issues. While the training created more awareness of child labor issues in local communities, there were no further results.

Most instances of child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize work over education for their children. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick. Child labor was prevalent in many informal and family-based sectors, such as agriculture (millet, corn, and peanuts), fishing, artisanal gold mining, garages, dump sites, slaughterhouses, salt production, and metal and woodworking shops. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, at fruit and vegetable stands, and in other areas of the informal economy.

In August 2008 (the most recent year for which such data was available) a national child labor survey published by the National Agency of Demography and Statistics measured the economic activities of children during the prior 12 months. According to the survey, 1,378,724 of the country's 3,759,074 children (37 percent) between the ages of five and 17 worked.

One of the worst situations involving child labor was in mining and rock quarrying. Child gold washers, most between the ages of 10 and 14, worked approximately eight hours a day without training or protective equipment. Children also worked long hours in rock quarries, crushing rock and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness.

According to a 2007 government survey, 90 percent of children in Kaolack, Fatick, and Ziguinchor carried out tasks detrimental to their health and education. The study also found 75 percent of girls were responsible for domestic chores, forcing many to leave school.

A predominant type of forced child labor was the forced begging by children sent to live and study the Quran under the supervision of unscrupulous teachers (see sections 6 and 7.c.). To address this concern, the Ministry of Education provided funds to schools operated by religious institutions that met national education standards. These schools were bilingual, teaching in French and Arabic. This program removed thousands of children from street begging and exploitation. The Ministry of Education also worked on a secular curriculum for use in Quranic schools. Funding continued to be available for existing schools but was insufficient to allow the opening of additional schools.

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

d. Discrimination with Respect to Employment or Occupation

The labor law prohibits discrimination in employment and occupation based on national origin, race, sex, and religion. The law does not explicitly prohibit discrimination based on sexual orientation, gender identity, or social status. The government did not effectively enforce the antidiscrimination provisions of the law.

Gender-based discrimination in employment and occupation occurred.

e. Acceptable Conditions of Work

The national minimum hourly wage was 209 CFA francs (\$0.40), but for agricultural workers it was 183 CFA francs (\$0.35). The Ministry of Labor is responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of the minimum wage in the formal sector. The minimum wage provisions apply to foreign and migrant workers as well.

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

Premium pay for overtime is required in the formal but not the informal sectors. Legal regulations on occupational safety and health exist, and the government sets the standards. There is no explicit legal protection for workers who file complaints about unsafe working conditions.

The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The minimum wage covers the informal sector as well but was not respected, especially for domestic workers. Due to high unemployment and a slow legal system, workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety.