

Senegal

Country:

Senegal

Year:

2016

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

78

Freedom Rating:

2.0

Overview:

Despite Senegal's high levels of political pluralism and competition, a number of institutional challenges to political rights arose in 2015. In an internal rule change in June that generated criticism as well as accusations of fraud in the recording of votes, the National Assembly increased requirements for forming opposition parliamentary groups. Macky Sall, who won the presidency in 2012 after making a campaign promise to reduce the presidential term limit from seven years to five, proposed in March that a referendum be held in 2016 on whether to implement the reform, which would eschew arguably faster legislative channels. Also in March, the Court of Repression of Illicit Enrichment (CREI) concluded the controversial trial of Karim Wade—former government minister, son of former president Abdoulaye Wade, and himself a presidential aspirant—and found him guilty of illicit enrichment. Several domestic and international watchdogs have criticized the proceedings, calling Wade's prolonged pretrial detention arbitrary.

Civil liberties were generally protected in 2015. However, the arrests of a number of journalists challenged standards for freedom of expression. Same-sex sexual activity remained a criminal offense, and several individuals were prosecuted for it during the year.

Political Rights and Civil Liberties:

Political Rights: 33 / 40 [Key]

A. Electoral Process: 11 / 12

Members of Senegal's 150-seat National Assembly are elected to five-year terms; the president serves seven-year terms with a two-term limit. The president appoints the prime minister. The National Commission for the Reform of Institutions (CNRI), an outgrowth of a consultative body that

engaged citizens about reforms in 2008–2009, proposed several reforms in 2014, including an immutable five-year presidential term limit. The term length had not been changed by the end of 2015, despite the fact that Sall came to power in 2012 after campaigning to reduce it. However, in March 2015, Sall proposed to hold a referendum in 2016 on the term-length reduction. Following that vote, presidential elections would happen in either 2017 or 2019.

The most recent presidential election took place in February 2012. In January of that year, Abdoulaye Wade's candidacy for a third presidential term was validated by the Constitutional Council, whose members he had appointed. The presidential campaign period featured significant violence and intimidation, but the election resulted in a peaceful transfer of power. After placing second in the first round, Sall—a former member of Wade's Senegalese Democratic Party (PDS) who previously served as his prime minister and campaign director, as well as president of the National Assembly—won a March runoff with 66 percent of the vote. Wade conceded defeat.

In the July 2012 parliamentary elections, Sall's United in Hope coalition, which included his Alliance for the Republic party, captured 119 of 150 seats, followed by the PDS with 12. About a dozen parties divided the remainder. Both the presidential and National Assembly elections were declared free and fair by international observers.

The National Autonomous Electoral Commission (CENA) monitors elections. Although the body is nominally independent, members are appointed by the president on the advice of other public figures, and it is financially dependent on the government. The Interior Ministry organizes the elections.

B. Political Pluralism and Participation: 13 / 16

People are able to form political parties without undue interference or cumbersome requirements, and parties representing a wide range of views and objectives—including religious ones—operate generally freely.

There is a significant opposition vote, and the opposition has viable opportunities to win presidential, legislative, and local offices. The 2012 presidential election marked the second victory by an opposition candidate in 12 years. Some members of Sall's coalition criticized the timeline of the referendum on presidential term length, noting that if the vote resulted in an early presidential election in 2017, other parties within the coalition would face difficulties preparing.

A modification to the internal rules of the National Assembly passed by the body in June 2015 attracted criticism and accusations of vote fraud within the legislature. Members approved three new rules: an expansion of the term of the president of the National Assembly from one year to five, an increase in the number of deputies needed to form a parliamentary bloc from 10 to 15, and a reform that prevents deputies who leave their initial bloc from joining a new group within the same legislative term. Opponents claimed that the second and third reforms were designed to inhibit parties in Sall's current parliamentary coalition from breaking away and fielding challengers in the presidential race. Some legislators also accused the National Assembly leadership of vote-counting irregularities, claiming that votes were recorded for 100 percent of legislators despite several absences from the chamber. In August, the Constitutional Council rejected a challenge to the changes pertaining to parliamentary blocs that was brought by a group of 19 legislators, including some from Sall's United in Hope coalition.

The opposition still faces major inequalities in financial resources when competing with incumbents. There is no public financing of political parties, and international funding of parties is illegal. The ruling party can deploy a vast set of state resources to garner support, whereas opposition party leaders must often rely on personal wealth.

C. Functioning of Government: 9 / 12

Despite initial international praise of Sall's use of the CREI and the National Anti-Corruption Commission (OFNAC) to monitor corruption in the government, the selection of cases is not always viewed as objective. The trial of Karim Wade, who was imprisoned and awaiting proceedings since April 2013, began at the CREI in July 2014. In March 2015, the court found Wade guilty of illicit enrichment, sentencing him to 6 years in prison and ordering him to pay a \$229 million fine. Wade had hoped to challenge Sall in the next presidential election, and denied all charges against him; his lawyers called his prosecution politically motivated. Domestic and international human rights organizations criticized the CREI proceedings for violating due process, particularly by holding Wade in prolonged detention. Wade appealed the CREI's decision to Senegal's Supreme Court, which affirmed the original verdict in August.

Senegal was ranked 61 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 45 / 60

D. Freedom of Expression and Belief: 15 / 16

The constitution guarantees freedoms of speech and expression. There are many independent media outlets, one state television channel, and a number of radio stations and newspapers that are controlled by or affiliated with the state. Several privately owned newspapers have existed for decades and are widely read. In 2015, the National Assembly continued to refuse to vote on a new press code that, among other things, would decriminalize violations of press laws; the code has been contested since its introduction in 2011. Access to the internet is not restricted.

Blasphemy, security, and criminal defamation laws are in place but generally not used to silence independent voices. However, on one day in July 2015, authorities summoned three newspaper publishers and one reporter for questioning about their sources for three separate reports. Alioune Badara Fall, publisher of *L'Observateur*, and Mamadou Seck, one of the paper's reporters, were arrested and charged with "violating defense secrecy" in connection to an article on the deployment of Senegalese troops to Saudi Arabia's campaign in Yemen. They were held for three days along with Mouhamed Guèye, publisher of *Le Quotidien*, who was detained in connection to reporting on a celebrity money-laundering trial. Mamadou Wane, publisher of *L'Enquête*, was briefly held and questioned over a report on military appointments. Following public criticism of the detentions, sources close to Sall were cited in news stories claiming that the prosecutor of Dakar had ordered them without the president's knowledge.

There is no state religion, and freedom of worship is constitutionally protected and respected in practice. Muslims constitute 94 percent of the population, and the country's Muslim brotherhoods are influential, including in politics. Academic freedom is legally guaranteed and generally respected. Private discussion is open and free.

E. Associational and Organizational Rights: 10 / 12

Freedom of assembly is constitutionally guaranteed and respected in practice. The Interior Ministry must approve opposition leaders' requests to lead protests and demonstrations, can dictate the hours and locations of such activities, and can deploy security forces to monitor them. Freedom of

assembly was generally respected in 2015, although in February eight PDS members were charged with participation in an unauthorized assembly, and in August the PDS was denied authorization for an assembly in Dakar. Protesters gathered outside the Dakar courthouse where Karim Wade's verdict was read in March; police maintained a heavy presence in the city to prevent riots.

Freedom of association is legally guaranteed. The leaders of nongovernmental organizations (NGOs), unions, and political parties must register their organizations with the Interior Ministry. Workers, with the exception of security employees, have legal rights to organize, bargain collectively, and strike.

F. Rule of Law: 10 / 16

The law guarantees fair public trials and defendants' rights. The judiciary is formally independent, but inadequate pay and lack of tenure expose judges to external influences and prevent the courts from providing a proper check on the other branches of government. The president controls appointments to the Constitutional Council. Sall has promised to shift power away from the executive, and the CNRI has requested a more powerful Constitutional Court, but no major changes were made in 2015. Geographic, educational, bureaucratic, and financial hurdles hinder public access to the courts.

In 2014, the International Federation of Human Rights, the African Assembly on Human Rights, the Senegalese League of Human Rights, and the National Organization for Human Rights criticized the CREI for not guaranteeing a fair trial, as the court's assumption of guilt places the burden of proof on the accused. In June 2015, the United Nations Working Group on Arbitrary Detention declared that Karim Wade was being detained arbitrarily and that he should be compensated. Sall's administration criticized the working group for interfering in a domestic legal dispute.

In July, the trial of former Chadian president Hissene Habré began at the Extraordinary African Chambers, a special court established by the African Union and Senegal. Habré, who was arrested in Dakar in 2013, faced charges of war crimes and crimes against humanity. The trial marked the first use of universal jurisdiction in Africa. After Habré's lawyers refused to participate in the trial, which they called illegitimate, the court assigned Habré new defense lawyers. However, he refused to cooperate and was forcibly brought into the courtroom on the first day of hearings.

Senegalese prisons are overcrowded. The Dakar-based NGO Tostan has noted poor living conditions, inadequate sanitation, and limited access to medical care for prisoners.

The low-level separatist conflict in Senegal's southern Casamance region remained unresolved in 2015, though rebel leader Salif Sadio had announced a unilateral ceasefire in 2014.

Individuals of lower castes in Senegalese society are sometimes subject to discrimination. LGBT (lesbian, gay, bisexual, and transgender) people face discrimination, physical attacks, and police harassment, and same-sex sexual activity remains a crime punishable by up to five years in prison and a fine of up to \$2,600. In August, seven men were sentenced to six months in prison and 18 months of a suspended sentence after being arrested without warrant for consensual same-sex sexual activity. A Human Rights Watch report released that month raised serious concerns about the fairness of the trial. In December, 11 men were arrested while attending the wedding of a same-sex couple; they were released five days later.

G. Personal Autonomy and Individual Rights: 10 / 16

Citizens generally enjoy the freedom of movement and the right to choose their own residence. The civil code facilitates the ownership of private property, and the government usually provides compensation when it expropriates land. The U.S. Department of State reported in its 2015 Investment Climate Statement on Senegal that the country's property title and land registration protocols are not consistently applied in rural areas.

Human rights organizations note persisting difficulties for women in the country. Female genital mutilation continues to be practiced illegally throughout Senegal. Rape and domestic abuse also persist, and abortions for medical reasons are difficult to obtain. Women cannot obtain credit as easily as men, and early marriage remains an issue. Elements of Islamic and local customary law, particularly regarding inheritance and marital relations, discriminate against women. A gender parity law has resulted in women holding 64 seats in the 150-seat legislature.

A Senegalese Justice Ministry survey released in September 2014 estimated that over 30,000 of the 54,837 children attending *daaras* (Koranic schools) in Dakar are required to beg in the streets. Other forms of forced labor, child labor, and sex trafficking also remain concerns, and government efforts to combat such abuses are marginal.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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