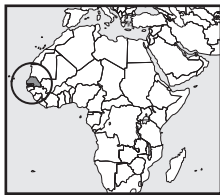


■ SENEGAL

Weaker protection of human rights



In the last few years national mechanisms for the promotion and protection of human rights have grown weaker. Social, economic and cultural rights are rarely implemented. Democratic rights and liberties were egregiously violated during the election campaign. The national legal framework is not adequate to meet commitments the country has made, nor is the Constitution in many areas, particularly those related to gender discrimination and reproductive health rights. Civil society has been protesting the deterioration in the quality of life of the Senegalese.

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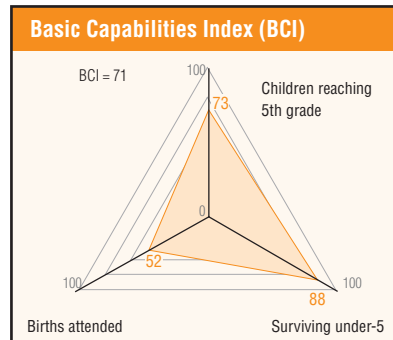
Despite the Government's enactment of a Poverty Reduction Strategy Paper (PRSP) for 2003-2005 and a successor PRSP II – which is in effect for the period 2006-2010 – as a mechanism for achieving the Millennium Development Goals, the population's access to basic services has not improved.

More than 60% of households live in poverty. In 2005, 29.6% of the population had no access to fresh water (the percentage was higher in rural areas). Only 58% of households were connected to an adequate sanitation system (in rural areas, only 17%).¹ Dakar, the capital, produces 20,000 cubic metres of raw sewage per day; the treatment system can only process 19,000.

Access to education is also low. In 2006 the enrolment rate was 9.1% at the pre-school level, 81.8% for primary school and 49.1% for secondary education.² Thousands of children, particularly girls, still have no access to school; many who do attend drop out before they have learned anything substantial. Retention rates are 11% and 13% for primary and secondary education, respectively.³

Access to health and social security services is still minimal and their quality remains low, despite declared intentions of the State and community authorities to improve maternal and infant health, as well as the health of older people (the "Plan Sésame" promising free health services for persons over the age of 60 has yet to be implemented). Malaria continues to be one of the chief causes of mortality, as are annual diarrhea epidemics.

Nutrition is also poor. An estimated 61% of children under the age of six are deficient in vitamin A; 17% of children under the age of 5 are underweight, while 84% suffer from anaemia. So do 61% of women. Many women are deficient in iodine as well, particularly in the southeast, where this condi-



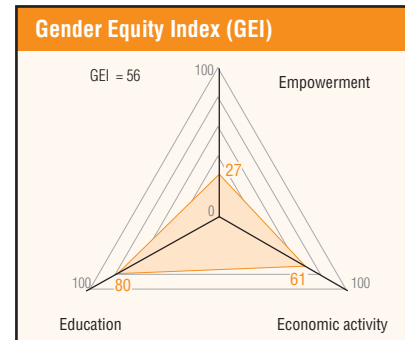
tion is endemic – afflicting 34% overall and 51% in some areas.

Structural adjustment policies, including privatization of most basic services (water, energy, transport) have not achieved their stated goal of revitalizing the economy. In fact, these policies have de-industrialized the country, with disastrous social consequences: the loss of thousands of jobs, extremely high unemployment, and massive migration to urban centres. The economy is once again growing at 6%, but this has not improved living conditions for most of the population or reduced poverty substantially.

In recent years official mechanisms to promote and protect human rights have become weaker rather than stronger. The President of the Republic opened an office for human rights in 2000 and introduced reforms that resulted in the creation of a High Commissariat of Human Rights, now moribund. A Senegalese Committee for Human Rights, created in 1970, functioned in some form between 1993 and 2000 but currently has no staff and is therefore incapable of responding to violations of human rights.

Violations of human rights that have aroused public opposition include the following:

- **Bans on public protests.** Even though the right to hold protests is recognized in article 8 of the Constitution, prohibition is the norm and authorization the exception.
- **Criminalization of free expression.** The Criminal Investigations Division has been transformed into a political police force that calls in political leaders and members of civil society for merely expressing their opinions and puts journalists in jail without due process of law.



- **Impunity.** Individuals who commit political crimes, embezzlement of public funds or torture are not prosecuted. In one recent case, Dominique Lopy, a youth, was tortured to death at the Kolda police station; those responsible suffered no repercussions.
- **Violations of the rights of women and children.** These violations have reached disturbing proportions, marked by cases of sexual harassment and abuse, rape, murder, forced marriages, genital mutilation and paedophilia.

Senegal ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its supplementary protocol, passed a law prohibiting violence against women and added new provisions to the penal code dealing with domestic violence, sexual harassment and female genital mutilation. Since then the Government has been officially committed to protecting the rights of women. However, this formal commitment has not been translated into legislation. The family code, for example, still has provisions that discriminate against women. Women's reproductive health rights remain unrecognized.

Although the 2001 Constitution affirms the principles of gender equality and equity, no law has been passed to ensure that women and men have equal access to elected positions, let alone parity. Social, cultural, economic and political factors all play a role in this failure to follow through.

New provisions regarding the Convention on the Rights of the Child have been added in the 2001 Constitution and several laws concerning children. The Government has made some progress in modifying legislation in this area to conform to the Convention and International Labour Organization conventions

1 UNDP. Progress report on MDGs 2006.

2 In non formal education (grassroots community schools, functional literacy teaching, *daara* or Koranic schools, etc.) the number of students is not taken into account when estimating the enrolment rate.

3 According to the sixth economic and financial report of the Ten-year Programme of Education and Training carried out by the Consortium for Economic and Social Research, published in June 2007.

numbers 138 and 182, including passage of laws that forbid child marriage, begging and other forms of inhuman treatment. Realizing the intent of this legislation will take time: despite the law prohibiting begging, Senegal still has an estimated 800,000 street children. Many factors, including poverty and the persistence of traditional practices and customs, retard full implementation of Convention provisions regarding the rights of children, particularly girls.

The economy

To obtain a reduction of its external debt the Government agreed to institute a series of structural reforms within a Strategic Framework for the Struggle Against Poverty before the end of 2001.

As noted above, the PRSP became the framework for economic and social programmes that were supposed to promote development and reduce poverty. This framework was a new version of prior structural adjustment plans imposed by international financial institutions. Reforms have included the elimination of tariffs on some imports and a reduction in charges on others, required by international commitments (external tariff in common with the West African Economic and Monetary Union, agreements with the World Trade Organization and between the European Union and the Africa-Caribbean-Pacific countries). For most Senegalese, these measures have resulted in a sharp deterioration in the quality of life. The State has not alleviated their plight.

Political barriers that prevent promotion of human rights include minimal separation between the three branches of government and the overwhelming predominance of the executive branch; a lack of transparency in the administration of public funds; the existence of a multitude of agencies with budgets not subject to public scrutiny, to the detriment of the technical ministries and general administration; a weak Parliament that does not exercise its prerogatives to control the budget and supervise its execution; the incapacity of financial control institutions (the General State Inspectorate, the Accounts Tribunal), which encounter enormous challenges in fulfilling their mission due to their subordination to the President and a lack of resources; and the absence of mechanisms that would allow popular participation in the formulation and implementation of Government policies and programmes.

To make its debt payments, which currently absorb one quarter of State revenue (7% of the gross domestic product), the Government has cut other parts of the budget. Education expenditures have been reduced to 3.7% of gross domestic product; health to only 2.6%. The Government has imposed a hiring freeze on qualified staff in both sectors.

Civil society advocacy

The deterioration in the quality of life has not gone unopposed. Civil society has protested against the privatization of public services (water, health, electricity), a steady rise in the cost of living, violations of rights and liberties, impunity and the manipulation of the institutions of the Republic, violence against women and children, and the Economic Partnership Agreement with the European Union. Activist organizations have also made a variety of proposals for reform, including recommendations for streamlining the State, reducing debt payments to finance social services, improving transparency in the administration of public funds, investing in branches of the agricultural sector that promote food security, and making the economy competitive before exposing it to free trade. ■