

The Situation of Human Rights Defenders in Senegal¹

By Isaac Rauch

Senegal, like many other West African countries, is resource-rich with mining, logging, and rubber opportunities that have companies coming in to take land through deals with the local and national government leaders. The government is inviting multinational investment companies into their communities with the worst offenders being from China, India, and Morocco. When these companies come into the community there is normally a lack of consultations with the communities and a lack of transparency with what the companies are planning or have done. As well there is a large number of broken promises to the communities to build schools, roads, clinics, or to provide jobs and the government in Senegal has lacked a way for the communities to get their land back or ensure the projects get carried out when they break the promises. One HRD in Senegal stated that *“Communities don’t know their rights” Communities are not part of the deals that governments have with companies. Once deals are made, land is taken away without any discussion or consent. Often promises are not kept but communities do not have any clear recourse to get their land back or ensure development projects are carried out.”*

One problem with Senegal, in particular, is that the laws around mining, land, and the environment are largely unclear, unknown to the community, or even pro-business. Communities in Senegal normally do not know their rights since they are not part of the deals the governments have with companies and they lack a clear recourse on how to get back their land in a dispute. In Senegal, the national courts are seen as ineffective for these cases because it takes too much time, costs too much, and the courts are corrupt. Senegal has received a B for their national courts' independence because they have a lack of independence from the national government. Senegal can improve these conditions by creating a system for more transparency on government contracts and by freeing their national courts of corruption by making them more independent.

Senegal's government has issues with corruption and protecting its Human Rights Defenders (HRDs). Because of this, Senegal has been moved from being a "free country" to "partly free" according to Freedom House. This is largely due to several factors including Senegal's problems with corruption, with the opposition political party in Senegal being barred from the 2019 president election due to their involvement in a corruption case. The President even recently abolished the position of Prime Minister and while the government of Senegal is considered transparent in many aspects, this is not the case when it comes to information about government contracts.

HRDs in Senegal have faced discrimination and threats over the years because of this failure at the national level. HRDs have lost a large amount of their ability to work in and use the press because of a new set of rules put forward in the 2017 Codes that made it easier to punish for defamation. It

¹ This blog post is based primarily on the Green Advocates International report, *West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline Report*, published in February 2021.

also gave the government the ability to shut down media outlets without an opportunity to challenge them in court, and also allowed the government to censor and prevent publishing material that they deemed "contrary to morality." The set of rules from 2018 allow the government to manage and slow down internet usage and deny access to certain websites similar to the system currently implemented in China. These rules need to be changed or clarified in some way to protect HRDs' right to spread their message through the press and the web.

They also are removing the right to hold public meetings and form associations without interference from the government because they are requiring advanced government approval for protests and have banned protesting at the capital. The HRDs who break this rule can receive fines and up to three-year prison sentences and the ones who organized the event can receive up to 5 years imprisonment. Many HRDs who work on environmental rights are especially targeted and have already fallen victim to these rules with twelve of them being imprisoned for 21 days in 2015. A HDR named Mustapha Gueye was murdered in 2018 by illegal loggers due to his opposition to logging and in 2013 21 HRDs were arrested because of their opposition to government officials coming to assess how much compensation was due to farmers because their land was being taken for mining purposes. Also, Ibra Fall, Gora Wad, and Djibril Bèye were charged for plundering machinery and for forming a group to do so. HRDs that are women or minorities such as indigenous groups or LGBTI are especially targeted. Not only do they face the risks that every HRD does, but they are also subject to gender-specific, minority-specific, and LGBTI-specific violence with denial of medical treatment, physical assaults, arbitrary detention, threats to their families and communities, and more. This law is being used to silent HRDs and should be changed so that their right to protest is not challenged by the government and their rights are protected.

Senegal has made strides toward protecting human rights by ratifying many different treaties such as the ICCPR, ICESCR, CEDAW, CAT, and the African protocol. Senegal also has its own human rights commission known as the Comité Sénégalais Des Droits de L'homme though it is not fully following the Paris Principles and has not been active on the topic of HRDs. This lack of focus on HRDs should be changed so they can protect Human Rights Defenders. Along with this, Senegal should make their government contracts more transparent, change or clarify their laws on the press and internet, and protect HRDs right to protest and assemble.