

Ahead of Senegal's contested presidential elections, set to take place in February 2024, authorities have increased the repression of opposition and dissenting voices, including journalists, while civic space violations have multiplied in the context of heightened political tension. We are deeply concerned by the increased number of journalists and HRDs subjected to detention, prolonged pretrial detention and prosecution, in addition to the use of excessive and lethal force against opposition protests. Authorities have also imposed restrictions to the access to the internet and social media and have suspended media outlets.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

On numerous occasions, security forces have used excessive force, including live ammunition, against protesters, resulting in the killing of dozens of people. For example, at least 23 people died on 2nd and 3rd June 2023 in protests and clashes following the conviction of opposition leader Ousmane Sonko.

Local authorities have broad powers to ban protests and often invoke the grounds of 'preserving public order' to ban protests by CSOs and opposition parties. Participation in a banned or unnotified assembly is criminalised with a prison sentence of one to three years and a fine, which can be increased to a 2 to 5 year sentence and higher fines if the accused is an organiser.

Protest arrests are frequent, with protesters often charged with 'participation in an unauthorised protest'.

Order 7,580 of 20 July 2011 issued by the Minister of the Interior (Ousmane Ngom Order) forbids political protests in Dakar city centre. Although, the ECOWAS Court of Justice ruled in March 2022 that Order 7,580 violates freedoms of expression and peaceful assembly, it has not been repealed.



FREEDOM OF EXPRESSION

Freedom of expression in Senegal is restricted through restrictive provisions in the 2017 Press Code, the Criminal Code and the 2021 anti-terrorism laws. In the 2017 Press Code, press offences remain criminalised with prison sentences of 3 to 5 years and high fines.

The Penal Code criminalises defamation, insults - including insulting the president, and other institutions and officials, while the publication, dissemination, disclosure or reproduction of false information or falsified pieces is also criminalised when this is deemed to result in disobedience of laws, damages the good spirit of the nation or discredits public institutions.

The counterterrorism laws approved in June 2021 (Law 10/2021 and Law 11/2021) contain restrictive provisions that could adversely affect freedom of expression : e.g. the overly broad and vague definition of 'terrorist acts' and includes 'offences linked to information and communication technologies', punishable with life in prison.

Authorities have imposed, on several occasions in the face of protests, restrictions on the access of internet and social media. Since the deadly protests of March 2021, authorities have also temporarily banned media outlets for their protest coverage.



FREEDOM OF ASSOCIATION

While the legal framework can be considered generally favourable, article 12 of the constitution outlines that associations 'whose purpose or activity is contrary to criminal laws or directed against public order are prohibited'. LGBTQI+ associations are therefore prohibited from legally establishing themselves.

Penal Code article 319 criminalises same-sex relations, punishable with up to five years in prison.

Counterterrorism law 10/2021 further states that legal persons other than the state and its components, such as associations, are criminally liable for offences committed on their behalf by their bodies or representatives.

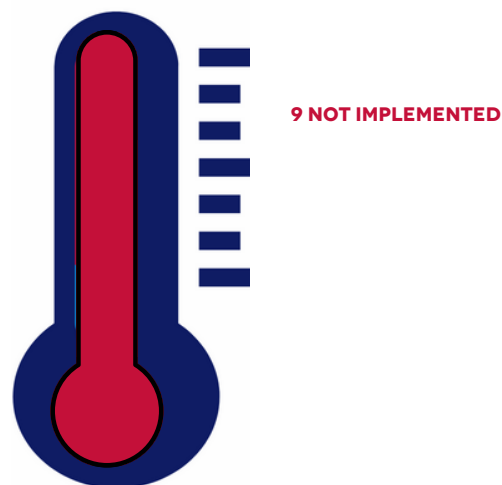
If found guilty of 'violence or assault committed against people and the destructions and degradations committed during gatherings' organised by CSOs allows for the confiscation of the property of the organisation and its leader, and other penalties

COMMON VIOLATIONS AGAINST HRDS AND JOURNALISTS INCLUDE:

- Arbitrary arrests and lengthy detentions of journalists on charges such as ‘insulting magistrates’, ‘spreading false news’ and national security charges.
- HRDs are regularly detained and judicially harassed, particularly HRDs who are vocal critics of authorities. Civil society staff members have also been targeted.
- HRDs have also often been arrested in relation to the organisation of and participation in protests.
- Journalists and media workers have been subjected to physical attacks by both state and non-state actors, particularly during protests and in the context of elections.

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Senegal received 9 recommendations relating to the space for civil society (civic space).



RECOMMENDATIONS

- 1 Ensure that HRDs and journalists are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- 2 Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards. Review the 2017 Press Code in order to bring it into line with best practices and international standards in the area of freedom of expression. Repeal restrictive provisions, including articles 78 and 192, and decriminalise press offences
- 3 Amend the 2021 counterterrorism laws to remove undue restrictions on fundamental freedoms and bring them into compliance with ICCPR
- 4 Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- 5 Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to freedom of peaceful assembly and expression and review their cases to prevent further harassment.
- 6 Refrain from restricting access to internet and censoring social and conventional media and ensure that freedom of expression is safeguarded in all arenas.
- 7 Establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

Civic space in Senegal is currently rated “**REPRESSED**” by the CIVICUS Monitor