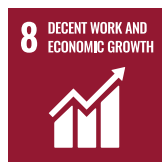


**solidar**



# ECONOMIC & SOCIAL RIGHTS REPORT

# SENEGAL



# SUMMARY

How can the European Union (EU) better contribute to building an enabling space for Civil Society Organizations (CSOs) in Senegal? How can the EU support the progressive realization of Economic and Social Rights - that is to say Freedom of Association and the Right to Organise, Decent Work and the Right to Social Protection for all - in connection with the implementation of the 2030 Agenda for Sustainable Development?

The SOLIDAR Network is active on these themes in Senegal through its members and partner organisations. In 2020, during a process led by the Istituto Sindacale per la Cooperazione allo Sviluppo (ISCOS), our Network has held several meetings aimed at discussing the current situation of Economic and Social Rights in Senegal, as well as define the modalities of a solid partnership between the EU and CSOs in the promotion of these rights.

This publication presents the main results of these exchanges and is structured around two priority axes:

1. Building an Enabling Space for Civil Society Organizations and Human Rights Defenders (SDGs 16 and 17)

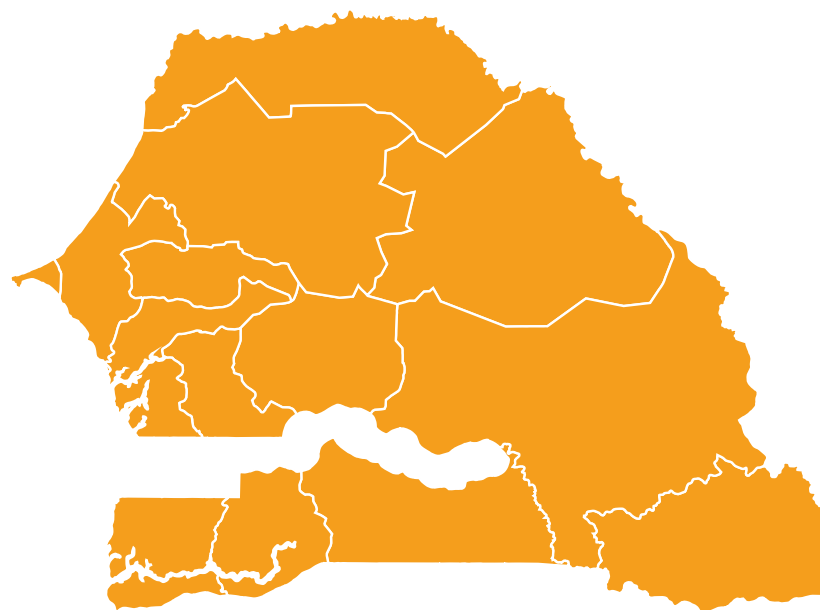


2. Promoting Decent Work and Social Protection for all (SDGs 3, 4 and 8)



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# 1. ABOUT THE SOLIDAR SOCIAL AND ECONOMIC RIGHTS MONITOR

In 2015, all United Nations member states signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 - with the aim of promoting policy coherence for development - the new European Consensus on Development announced the alignment of the development activities of the EU and its member states with the 2030 Agenda.

According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

1. Promote a model of sustainable development at the service of the greatest number and not of the few, making the full realization of human and environmental rights its main objective;
2. Ensure the progressive realization of economic and social rights, namely decent work, social protection and freedom of association.

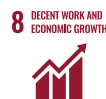
The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR members and partners within the framework of the EU-funded program 'Organizing International Solidarity' (OIS).<sup>1</sup> It aims to collect the views and recommendations of civil society organizations (CSOs) on the contribution of national and European policies and programs to the achievement of the Sustainable Development Goal, and especially of:



**SDG 3: Good health and Wellbeing**



**SDG 4: Quality Education**



**SDG 8: Decent Work and economic growth**



**SDG 16: Peace, Justice and Strong Institutions**



**SDG 17: Partnership for the Goals**

Within this context, the Monitor pays special attention to EU and national contributions to the promotion of (1) an Enabling Environment for CSOs and Human Rights Defenders and (2) Decent Work and Social Protection for all.

The ESRM thus represents an opportunity for SOLIDAR members and partners to engage in a structured dialogue with the EU over the progressive realization of economic and social rights and the Agenda 3030, and to contribute to the EU Programming for the period 2021-2027.

<sup>1</sup> A presentation of the OIS programme is available at: <https://prezi.com/view/9zuxuivoqUSD3w1pGJSz>



Author: Alain Christiaens, Pixabay.com

## 2. SENEGAL - COUNTRY BACKGROUND AND DEVELOPMENT STRATEGY

**TABLE 1. SENEGAL AT A GLANCE**

Population <sup>2</sup>	16,296,364 (2019)
Gross Domestic Product (GDP) <sup>3</sup>	€ 19.838 billion (2019)
Human Development Index (HDI) and rank <sup>4</sup>	0.514 (166 <sup>th</sup> out of 189 countries) (2019)
Total public spending on social protection, including health (percentage of GDP) <sup>5</sup>	5.3% of GDP (2010)
Indicative total budget (2018-2020) of the joint European strategy for Senegal 2018-2023 <sup>6</sup>	€ 748 million
Sustainable Development Score (current) <sup>7</sup>	58.27/100 (127 <sup>th</sup> out of 193 countries)

<sup>2</sup> <https://data.worldbank.org/country/senegal>

<sup>3</sup> *Ibidem*.

<sup>4</sup> <http://hdr.undp.org/en/countries/profiles/SEN>

<sup>5</sup> <https://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>

<sup>6</sup> <https://drive.google.com/file/d/1UUa5aCK9dOr6-l62kR1asLS3OYo4eyQh/view>

<sup>7</sup> <https://dashboards.sdgindex.org/profiles/SEN>

During the 11th programming period of the European Development Fund (2014-2020), EU development cooperation for Senegal was spread over two distinct phases.

The 2014-2017 National Indicative Plan (NIP) laid the foundations for this cooperation during the first phase, with a budget of 200 million euros.<sup>8</sup> In this period, special attention was dedicated to the three following sectors: (1) Strengthening democratic governance; (2)

Sustainable agricultural development and food security (to which were allocated more than half of the funds); (3) Water and sanitation.

The terms of cooperation with the country were then reviewed at the end of the first phase of implementation. The Joint European Strategy Document for Senegal 2018-2023<sup>9</sup> presents the development objectives valid for this period and the funding valid for the period 2018-2020 only - amounting to a total of €748 million (including €10 million of 'other' financing):

GENERAL STRATEGIC OBJECTIVE	SPECIFIC SECTORS OF ACTION	BUDGET
<b>Sustainable development generating jobs, integrating the challenges of climate change</b>	<ul style="list-style-type: none"> <li>Rural development and natural resource management</li> <li>Energy and transport</li> <li>Employment, private sector and vocational training: support the creation of sustainable and quality jobs by the private sector in order to promote sustainable and inclusive economic growth and reduce poverty.</li> </ul>	€ 396 million
<b>A healthy and educated population benefiting from adequate social protection</b>	<ul style="list-style-type: none"> <li>Water and sanitation</li> <li>Quality of education, higher education and research: contribute to improving the performance of the Senegalese education system, in an environment of equity and transparency.</li> <li>Strengthening of the health and social protection system: ensuring access for the entire population to quality, efficient and equitable basic health care.</li> </ul>	€ 152 million
<b>Enhanced governance, security and management of migration</b>	<ul style="list-style-type: none"> <li>Economic governance, public financial management and fight against corruption: contribute to a stable economic framework conducive to sustainable, inclusive growth and employment.</li> <li>Democratic governance and security</li> <li>Management of migratory flows</li> </ul>	€ 190 million

<sup>8</sup> [https://eeas.europa.eu/sites/eeas/files/20150105\\_pin\\_11efed.pdf](https://eeas.europa.eu/sites/eeas/files/20150105_pin_11efed.pdf)

<sup>9</sup> <https://drive.google.com/file/d/1UUa5aCK9dOr6-l62kR1asLS3OYo4eyQh/view>



Author: Carine Cordier, Pixabay.com

These objectives are in line with the country's national development strategy, entitled 'Plan Senegal Emergent',<sup>10</sup> which made the following the priorities for the period 2014-2018:

1. Encourage the transformation of the structure of the economy in order to support a dynamic of growth strong and sustainable;
2. Expand access to social services and social coverage, preserve the conditions for sustainable development; and
3. Meet the requirements of good governance, through institution building and the promotion of peace, security and African integration.

Based on the aforementioned elements and the on-the-ground consultations carried out by SOLIDAR's member ISCOS, this report highlights the following themes to be addressed by the EU in its Programming priorities and within the context of its work towards the achievement of the Sustainable Development Goals in Senegal:

- Building an Enabling Space for Civil Society Organizations (CSOs) and Human Rights Defenders (HRDs)
- Promoting Decent Work and Social Protection for all

<sup>10</sup> [https://www.sec.gouv.sn/sites/default/files/Plan%20Senegal%20Emergent\\_0.pdf](https://www.sec.gouv.sn/sites/default/files/Plan%20Senegal%20Emergent_0.pdf)



# 3. BUILDING AN ENABLING SPACE FOR CIVIL SOCIETY ORGANISATIONS (CSOs) AND HUMAN RIGHTS DEFENDERS (HRDs)

An 'enabling space for CSOs' is the set of conditions that allows civil society and individuals to organize, participate and communicate freely and without discrimination, and in so doing, influence the political and social structures around them. The rights essential to civic space - the rights to freedom of association, freedom of peaceful assembly and freedom of expression - must be respected both in the context of the values, norms and attitudes of society, as well as in the legal framework, regulatory environment, access to finance and meaningful participation in decision-making of states and other relevant entities.

The 2012 EU Communication entitled 'The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations'<sup>11</sup> confirmed the EU's commitment to establishing a stronger and more strategic dialogue with civil society organizations and to involve EU Delegations in determining the path for CSOs' participation in policy-making processes.

Human Rights Defenders (HRDs) as individuals must also be able to accomplish their mission safely and with integrity. Repression, censorship, threats or defamation against HRDs, whether they come

<sup>11</sup> [https://eeas.europa.eu/delegations/burundi/5969/roots-democracy-and-sustainable-development-eu-ropes-engagement-civil-society-external-relations\\_en](https://eeas.europa.eu/delegations/burundi/5969/roots-democracy-and-sustainable-development-eu-ropes-engagement-civil-society-external-relations_en)



Author: Emer Iglesias, Pixabay.com



Author: DEZALB, Pixabay.com

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from states or private actors, must be abolished.<sup>12</sup> Support for HRDs is thus also an integral part of the European Union's external human rights policy. In situations where the state cannot guarantee the protection of HRDs, or when the state is the oppressor, the international community must intervene through powerful mechanisms of protection for HRDs. The existence of an environment conducive to CSOs and HRDs is, finally, also a necessary condition for the achievement of Agenda 2030 and in particular Goal 16 'Promote the advent of peaceful and inclusive societies for the purposes of sustainable development' and 17 'Partnerships for the achievement of the goals'.

### 3.1 Building a favourable environment for CSOs and Human Rights Defenders (HRDs) in Senegal: an overview of the existing provisions

To ensure an enabling space for civil society, an essential precondition is to have a legal framework for CSOs' action. A favorable legal framework is only in place if the fundamental freedoms of association, expression and assembly are respected and encouraged. Laws and regulations concerning CSOs should also be framed in a way that ensures that CSOs are not subject to discretionary judgments, or overwhelmed by excessive administrative demands that hamper their activity. Finally, it is crucial that there are national, regional and international mechanisms to support and protect HRDs.

The year 2016 marked a constitutional turning point for Senegal. A constitutional referendum was held in April that year to strengthen good governance, modernize the political regime and consolidate the rule of law. Some of the key points of the reform included

<sup>12</sup> The Declaration on Human Rights Defenders adopted by the General Assembly in its resolution A/RES/53/144 recognizes the "valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals", without discriminating between paid or voluntary work, or between professional and non-professional activity. Available at: <https://undocs.org/en/A/RES/53/144>

reducing the mandate of the President of the Republic from seven to five years, increasing the sovereignty of the people over natural resources, and expanding the powers of the National Assembly in controlling government action and public policy evaluation. In general, the victory of the “yes” should allow for a significant advancement in many of the objectives pursued by CSOs.

The country is also engaged in a vast land reform. An important milestone for supporters of the fight against land grabbing was achieved in April 2019, when the Supreme Court overturned a 2017 decree allocating 10,000 hectares to a foreign group that would have deprived tens of thousands of Senegalese of access to land.<sup>13</sup>

## DEMOCRATIC LIBERTIES

Civil and political freedoms - that is freedom of opinion and expression, freedom of the press, freedom of association, freedom of assembly and demonstration and freedom of movement - are guaranteed in Article 8 of the Constitution of Senegal. However, the administrative authority, by prefectural decree, may prohibit the holding of public meetings if it considers them likely to disturb public order. This prerogative of the prefect can give rise to liberticidal drifts if used disproportionately.

In August 2019, for example, the government refused the then opposition Senegalese Democratic Party (PDS) permission to organize a rally in Dakar. Another instance of restricting freedom of assembly is the violent crackdown on a student demonstration in Ziguinchor in January 2020, held to protest the teacher shortage.<sup>14</sup>

<sup>13</sup> <https://www.business-humanrights.org/fr/s%C3%A9n%C3%A9gal-le-monde-rural-plaide-pour-une-r%C3%A9forme-fonci%C3%A8re-inclusive-et-un-soutien-marqu%C3%A9-aux-exploitations-familiales>

<sup>14</sup> <https://www.journaldupays.com/2020/casamance-affrontements-violents-entre-etudiants-et-policiers-plusieurs-blesses-et-arrestations/>

<sup>15</sup> <https://www.journaldupays.com/2020/casamance-affrontements-violents-entre-etudiants-et-policiers-plusieurs-blesses-et-arrestations/>

<sup>16</sup> <https://www.amnesty.org/en/documents/afr49/1551/2019/en/>

<sup>17</sup> <https://www.jeuneafrique.com/667203/societe/senegal-le-ministere-de-linterieur-justifie-son-enquete-sur-les-financements-de-y-en-a-marre/>

<sup>18</sup> <http://afrique.le360.ma/senegal/politique/2019/03/09/25423-senegal-le-gouvernement-restitue-long-enda-lead-afrique-son-agrement-25423>



Two students were injured by gunfire by the police trying to disperse the crowd. Already in June 2019, the prefect of Dakar banned demonstrations by teachers' unions, on the grounds of ensuring public order.<sup>15</sup> Finally, nine activists were arrested in December 2019 during a march organized by the FRAPP-France Dégage movement, to protest against the rise in the price of electricity.<sup>16</sup> These arrests have been widely denounced as abusive.

Moreover, several members of the SOLIDAR Network have also confirmed that freedom of association in Senegal is currently facing serious threats. In November 2018, the Senegalese Ministry of the Interior launched an intimidation campaign against several international NGOs based in the country. The Ministry opened an investigation for alleged irregular funding for the benefit of Y'en A Marre, a peaceful protest collective made up of rappers and journalists. The organizations Oxfam, Open Society Initiative for West Africa (OSIWA), ENDA Tiers Monde and ENDA Lead Afrique Francophone were targeted by this investigation. ENDA Lead Afrique Francophone's permit to operate was even withdrawn, causing the termination of all of its activities on Senegalese territory.<sup>17</sup> The permit was finally granted again to the organisation in March 2019.<sup>18</sup>



Author: Camille Rol, Pixabay.com

## WOMEN'S PARTICIPATION IN PUBLIC AFFAIRS

With regard to the participation of women, the adoption of a law on parity (2010) had made Senegal a benchmark in the matter, providing, under penalty of inadmissibility, “absolute parity between men and women [...] in all elective institutions” and “lists of candidates alternately composed of persons of both sexes.”<sup>19</sup> As a result of the application of this law and the requirement of a quota, the presence of women in decision-making bodies has increased significantly, although unevenly depending on the type of structure. In addition, SOLIDAR members in the field note a certain habit of demanding and observing parity in groups of people of all kinds. Respect for parity, or attention to it, becomes a reflex.

However, this very positive measure is often poorly understood because it is limited to the quota system and is not accompanied by other measures to ensure the effective participation of women in decision-making bodies and to eliminate other mechanisms that perpetuate inequalities between men and women within organizations. The lack of family reconciliation measures, harassment, so-called cultural burdens and disregard for women's skills are not taken into account to ensure equal participation. Thus, whether in political

parties or mixed CSOs, we often find that the participation of women is limited to fulfilling the criterion of numerical quota and is reduced only to subjects commonly considered as ‘woman issues’. This favors arguments which advocate that parity is in conflict with choice criteria based on professional skills and competences.

## LEGISLATIVE, REGULATORY AND PARTICIPATORY FRAMEWORK FOR CIVIL SOCIETY

In terms of the legislative framework for the work of CSOs in Senegal, there have been significant changes in recent years. Decree No. 2015-145 sets new modalities for the action of NGOs - essentially grouping together foreign organizations, with national CSOs falling more under the status of association. Successive reforms since 2015 have had a significant and rather negative impact on the work of international NGOs. The reason for these changes is for the government to have better control over the actions of NGOs, in order to master and coordinate what is done on the national territory, prevent tax fraud and avoid an invisible gateway for organized crime and terrorist organizations. Except for the last two objectives, however, the impact of the reform on the actual coordination of NGOs' actions remains limited.

<sup>19</sup> <https://www.jeuneafrique.com/mag/735976/societe/senegal-une-parite-a-lassemblee-mais-pas-a-tous-les-niveaux-politiques/>

On the other hand, bureaucratic requirements have become very restrictive for NGOs, especially those of small and medium size. For example, while quarterly activity reports used not to be required, they have now become mandatory. It has also become compulsory to present a work plan, without which NGOs are not eligible for tax exemptions. Another change that occurred within the context of Senegal's decentralisation process is the shift from national to local control of CSOs' action: it is now the local prefect or governor who exercises control over the CSOs active in his area. A very concrete consequence of this is that the filing of quarterly and annual reports must be done in each area of activity. Thus, if an NGO operates in ten different areas, it must submit ten separate activity reports. Clearly, these bureaucratic requirements can represent a real burden for CSOs.

While the legal, regulatory and participatory framework for NGOs has received attention from the government, the same cannot be said for local associations. The legal and regulatory provisions for CSOs that do not require a permit to operate date back to 1976, and there has been no significant change of rules since then. This is paradoxical, as the state has shown a willingness to promote citizen participation in local government. The code of local authorities as well as Act III of Decentralization (2013) provide for an important role for citizens in local government decision-making processes, but they do not set the mechanisms or modalities of this participation, rather giving way to many independent initiatives put in place by the municipalities, CSOs and international NGOs. Due to the lack of a structured framework for participation of CSOs in political decision making, however, these citizen participation initiatives have had a very marginal impact on strengthening the role of local CSOs in Senegal.

<sup>20</sup> <https://europa.eu/capacity4dev/joint-programming-tracker/senegal>

## 3.2 Capacity Building Opportunities for Senegalese CSOs

The right of CSOs to seek out and secure all types of resources is a necessary condition for the full exercise of freedom of association. This primarily involves access to funding, public and private, from national or international sources, in a way that ensures the sustainability of the organization; moreover, it requires the existence of tax legislation adapted to the constraints of CSOs and access to adequate training for CSO staff. Combined, these elements allow CSOs to fully fulfill their role as independent agents of progress.

The update of the Roadmap for Engagement with Civil Society in Senegal 2017-2020<sup>20</sup> lays the groundwork for joint action by the EU and member states in favor of Senegalese civil society through three global priorities:

- 1. Promote a favorable environment for civil society,** with particular attention to the legal framework, dialogue and consultation with the State at different levels;
- 2. Improve the participation of CSOs in the formulation, implementation and evaluation of public policies** at national, sectoral and local levels and in the transparency of public finance management;
- 3. Strengthen the capacities of CSOs to promote their role as a development actors,** in particular through the production of independent, solid and fact-based analyses.

Another significant commitment made by the EU and its Member States, moreover, is that of strengthening the financial sustainability of civil society through sustainable financing mechanisms.





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In general, local actors in Senegal have limited knowledge of international aid and funding mechanisms, especially as their access is regulated by procedures that can be cumbersome for smaller CSOs.

Currently, the EU is funding the Jokkale project, coordinated by the Platform of European NGOs in Senegal (PFONGUE), which aims to strengthen the capacities of organizations benefiting from European grants and to make EU action in Senegal more visible.<sup>21</sup> The different areas of intervention include capacity building through training, exchanges around good practices and the development of tools. Although only a core group of CSOs is part of the project, some activities are open to all interested CSOs. The purpose of this project is to popularize EU grant procedures and to facilitate the use of its various tools, in particular by allowing the capitalization of successful experiences.

However, greater efforts should be focused on capacity building that will allow CSOs to obtain a better position in the field of the defense of citizens' rights. International NGOs provide training to the local CSOs with which they work (as partners or beneficiaries of projects), often related to project management and strengthening organizational development. Here again, however, these training initiatives are scattered.

**This is why the SOLIDAR network pleads for the further involvement of the European Union, which, being truly committed to making Senegalese CSOs qualitative players in social progress, should allow them to not only access sustainable funding, but also training and other opportunities to strengthen their expertise.**

<sup>21</sup> <https://www.pfongue.org/-Projet-Jokkale-28-.html>

### 3.3 Promoting an enabling environment and a strong civil society in Senegal: SOLIDAR Network's recommendations

Meaningful citizen participation in decision-making, whether it be domestic, international or in EU programming, is an essential component of democracy. The involvement of civil society is necessary to ensure that development cooperation promotes the implementation of the 2030 Agenda and that no one is left behind. Meaningful participation in political decision-making can only be achieved through the establishment of a mechanism for systematic dialogue between the government, stakeholders and CSOs, as well as through the existence of follow-up activity requiring the authorities to report back to citizens.

Given the multiplicity of CSOs, there is no doubt that it is difficult for the European Union Delegations (EUD) to ensure a truly inclusive and participatory political consultation process. SOLIDAR is committed to supporting the European Union and the EUDs reach a wider audience and develop a more horizontal approach in working with CSOs (for example, by agreeing to define criteria and methods for working together so as to ensure a truly inclusive and participatory consultation process), as well as identify areas of interest for collaboration between the EU and its partner countries, based on the expertise and insight of our Network's field-based organisations.

Drawing on the elements reviewed so far in regard to Senegal's provisions on the protection and promotion of an enabling environment for HRDs and CSOs and citizens' participation to public decision making, and in view of the Von der Leyen's Commission geopolitical priorities<sup>22</sup> - especially its commitment to supporting civil

<sup>22</sup> <https://europa.eu/capacity4dev/policy-forum-development/wiki/virtual-regional-meetings-july>



society around the world by guaranteeing its involvement in decision-making processes, as well as its commitment to safeguarding fundamental rights, gender equality and women's empowerment - the SOLIDAR Network considers it important for the EU and Senegal to dedicate special attention in their development cooperation efforts to the following areas:

- Offering technical advice and support services to help small and medium-sized NGOs and CSOs comply with Senegal's legal and bureaucratic requirements necessary for their legal recognition and their ability to operate in the country.
- Supporting initiatives to strengthen the technical and organizational capacities of grassroots social organizations, with a view to improving their associative fabric, as well as further publicising and guaranteeing them access to EU funds.
- Supporting CSOs initiatives to promote gender equality policies and defend women's rights, such as the creation of spaces for discussion and exchange between women and women leaders, in order to promote their effective and truly equal participation in public life.

# 4. PROMOTING DECENT WORK AND SOCIAL PROTECTION FOR ALL



According to the definition of the International Labor Organization (ILO), Decent Work consists of the combination of four elements: the free choice of work, rights at work, social protection and social dialogue. Decent Work is a prerequisite for the realization of Economic and Social Rights, and is integral part of Goal 8 of the 2030 Agenda for Sustainable Development.

As for the right to social protection, this is a necessary precondition not only for the achievement of Decent Work but also for development more generally. Indeed, social protection is an essential tool to reduce and prevent poverty, social inequality, exclusion and insecurity, to promote equality of opportunity, gender and racial equality, as well as to support the transition from informal to formal employment. By adopting Recommendation No. 202 on social protection floors (2012),<sup>23</sup> the member states of the ILO have committed to guaranteeing every human being's access to:

- The security of an income throughout life, in the form of various social transfers (in cash or in kind);
- The availability, affordability and quality of a set of essential services, including health care and education.

By virtue of their membership in the Organization, all ILO members also have an obligation to respect, promote and fulfill the following fundamental rights:

- freedom of association and the effective recognition of the right to collective bargaining (Conventions Nos. 87 and 98);
- the elimination of all forms of forced or compulsory labor (Conventions Nos. 29 and 105);
- the effective abolition of child labor (Conventions Nos. 138 and 182);
- the elimination of discrimination in respect to employment and occupation (Conventions Nos. 100 and 111).

All these commitments are aligned with the UN SDGs agenda, and especially with SDG 3 'Ensure healthy lives and promote well-being for all at all ages', SDG 4 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' and SDG 8 'Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'.

<sup>23</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_165750.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_165750.pdf)



## 4.1 Fundamental rights at work in Senegal

Labor law in Senegal has undergone several significant changes in recent years. In particular, the country saw the adoption, in December 2019, of a new inter-professional collective agreement. The previous version of this document, which establishes the rights and duties of employers and employees in the private sector at the national level, dated back to 1982 and many of its provisions have become obsolete. Regarding internships, it is the 2015-04 law of February 12, 2015 that regulates the provisions, which are also included in the inter-professional collective agreement. Trade unions have succeeded, through social dialogue, in obtaining other important advances. Especially important is that they have won the signing of a memorandum of understanding aiming to revalue the Guaranteed Minimum Interprofessional Salary (SMIG) and the Guaranteed Minimum Agricultural Wage (SMAG), in May 2018. For the hourly minimum wage, the 45% increase obtained was the first since 1996.<sup>24</sup>

However, there are still many challenges, with one of the major one being the predominance of the informal economy. In addition to forcing a large number of men, women and even children to work in precarious and dangerous conditions (basic standards of protection against risks at work not being applied), informal work deprives them of access to social protection. The International Labor Office is involved in this area by providing support for the establishment of a Simplified Small Taxpayer Regime (RSPC), which could be a qualitative advance towards the formalization of a part of the economy. Another effect of the informality of the economy is lack of awareness on labour rights by the population, which can be easily exploited by employers.

<sup>24</sup> <https://www.jeuneafrique.com/556925/economie/senegal-le-salaire-minimum-revalorise-pour-la-premiere-fois-depuis-1996/>



## CASE STUDY: A Unions' Caravan to make Migrant Workers know their rights

Senegal ratified the UN Convention on Migrant Workers and Members of their Families in 1990, and it developed and technically approved (although not politically ratified yet) a national migration policy in 2018. These provisions, however, have not been sufficient to guarantee good governance of migration. For instance, trade unions have long been pointing to the importance of the labour dimension of migration, thus advocating for their greater involvement and more meaningful role in migration management.

In the current absence of a structured legal framework for the participation of labour union in migration governance and management, organisations part of the SOLIDAR Network like CARISM (Senegalese inter-union platform) and CGIL (Confederazione Generale Italiana del Lavoro) have worked in partnership and taken independent initiative to bridge this gap. They have in fact been involved in organising training and capacity-building activities, one of the most successful being the 'union caravan', which reaches migrants in their gathering places and places of work, establishing contacts with them and generating discussion around the problems and issues they face, and offering advice and guidance.



The aim of this project is to get migrants organized so they can better protect their rights. The results achieved by the CARISM / CGIL trade union caravan can be summarized as follows:

1. Relationship and trust established between migrant workers and trade unions, resulting in migrants' participation of trade unions' activities;
2. Trade unions developed more knowledge of migrants' difficulties  
- e.g. accommodation, regularization, health, education, access to social protection schemes, legal support, access to credit, etc. - as well as on their degree of social integration in Senegal.

In view of the success of this initiative, the SOLIDAR Network calls for similar practices to be better supported by donors and international partners.



Author: Yann Christian DIEDHIOU - Pixabay.com

On April 8, 2020, in the midst of the COVID-19 pandemic, the President of Senegal issued an order to protect jobs and wages during this complicated period. Ordinance 001-2020 provided for measures derogating from the Labor Code; no dismissal was allowed during the pandemic period other than for gross negligence, and the employer benefits from support measures from the State should he wish to resort to technical unemployment for his employees.<sup>25</sup>

## TRADE UNION RIGHTS

Trade union rights are constitutionally guaranteed by article 8 of the 2001 Constitution. In addition, article 25 guarantees every worker the right to create, or to join, trade union or professional associations and to defend his rights through these. Finally, article 29 of the Labor Code protects freedom of association by endorsing the principle of non-discrimination on the basis of union membership. It is in fact prohibited for any employer to base any decision concerning a hiring, the conduct and distribution of work, professional training opportunities, advancement, remuneration, the granting of social benefits, any disciplinary measure or dismissal, on the union activity of an employee.

<sup>25</sup> <https://ordredesavocats.sn/ordonnance-001-2020-amenageant-des-mesures-derogatoires-au-licenciement-et-au-chomage-technique-durant-la-période-de-la-pandémie-covid-19/>

<sup>26</sup> <https://www.jeuneafrique.com/867205/societe/senegal-face-a-la-greve-macky-sall-requisitionne-le-personnel-de-la-sde-pour-assurer-lapprovisionnement-en-eau-potable/>

<sup>27</sup> <https://www.ilo.org/dyn/travail/docs/839/Code%20du%20travail.pdf>

Nonetheless, violations of trade union freedoms are frequent in Senegal. A recent example is the signing of a decree by President Macky Sall in December 2019 requisitioning all Senegalese des Eaux (SDE) agents, following a four-day strike in the company. “From December 6, 2019 at 8 p.m. until December 31, 2019, all SDE personnel are requisitioned to ensure the continuity of the public drinking water service within the leased perimeter entrusted to the SDE”, proclaimed the text.<sup>26</sup> Several unions considered that this requisition, covering all staff and not just the essential part to ensure continuity of service, undermined the full exercise of the right to strike.

In addition, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) of the ILO has also repeatedly challenged the Senegalese government on the subject of article L.276 of the Labor Code, which refers to the list of jobs in which workers can be requisitioned in the event of a strike to ensure the functioning of essential services in the strict sense of the term.<sup>27</sup> The article provides that the said list will be fixed by decree; this decree, however, is yet to be adopted. Therefore, the government in its practice continues to refer to the existing Decree No. 72-17 of January 11, 1972, establishing the list of posts, jobs or functions whose occupants may be requisitioned. This

list, however, includes many posts, jobs or functions to which the criterion of 'essential services' defined within the ILO Convention No. 87 as those "the interruption of which would endanger, in the whole or part of the population, the life, safety or health of the person",<sup>28</sup> does not apply.

## FORCED LABOR / CHILD LABOR

In Senegal, the minimum age for admission to work is set at 15. The threshold is raised to 18 years for hazardous work. Finally, the law specifies that "for light work carried out within the family framework and which does not affect the health, morals and the normal course of the child's schooling," the minimum age may be reduced to 12 years old.<sup>29</sup> The country has also ratified the two major ILO conventions in this area (Convention No. 138 on the minimum age, and Convention No. 182 on the worst forms of child labor). However, the SOLIDAR Network in Senegal notes numerous daily manifestations of child labor falling outside the authorized legal framework.

Notably, nearly a quarter of children aged 5 to 14 are forced to work to support their families, to the detriment of their education. This obligation is found as much for boys as for girls. The former are mainly employed in agricultural work, in cotton, rice or other plantations, and for very hard work for their age and physical condition. The majority of young Senegalese girls are employed as domestic servants, in equally trying working conditions and exposed to harassment and sexual assault. Moreover, children of both sexes are sometimes brought to work as street vendors, car washers or in small businesses.<sup>30</sup>

Finally, special attention should be paid to the talibé children. These young boys, students of 'daaras' - Koranic schools - are forced

into begging by their masters, the 'marabouts', in return for their education. Their conditions are very harsh: the talibés, entirely at the mercy of their marabouts, may be required to meet certain targets or face pain or grueling schedules. The CEACR in its 2020 report estimates the number of talibé children forced to beg is around 50,000. These children, in addition to receiving very little education, are extremely vulnerable vis-à-vis their marabouts and due to their possible bad encounters on the streets.

The Commission also noted that seven Koranic teachers were arrested and sentenced to prison terms under Law No. 2005-06, but that the judgments were not executed, and that no marabout was prosecuted since 2010. Moreover, the Commission underlined a strong ambiguity in Senegalese legislation: "although Law No. 2005-06 of 29 April 2005 on the fight against trafficking in persons and similar practices and the protection of victims prohibits to organize the begging of others with the objective of profiting from it, [...] article 245 of the Penal Code provides that 'the fact of asking for alms on the days, in the places and under the conditions established by religious traditions does not constitute an act of begging.' [...] On reading these two provisions together, it would seem that organizing the begging of talibé children cannot be criminalized, not being an act of begging within the meaning of article 245 of the Criminal Code."<sup>31</sup> In addition, the International Trade Union Confederation (ITUC) indicates that a draft law to regulate daaras has been under discussion with religious authorities since 2014, without much progress. According to the ITUC, social pressure from some religious leaders and weak political will are also responsible for the lack of investigations and prosecutions.<sup>32</sup>

<sup>28</sup> <https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=135178&token=ae81e51df173056e7de206560a235a1ff4c8bae8>

<sup>29</sup> <http://www.jo.gouv.sn/spip.php?article735>

<sup>30</sup> <https://www.humanium.org/fr/senegal/>

<sup>31</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_736219.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_736219.pdf)

<sup>32</sup> *Ibidem*

The adoption in 2013 of the National Child Protection Strategy, designed in partnership with UNICEF, is a welcome progress. It testifies to the determination of the various ministries involved to endow Senegal with a unique, transversal and clear vision for the protection of children.<sup>33</sup> It is important that the dialogue between the different actors responsible for designing and piloting protection services in Senegal continues, and that a critical reflection be initiated on the protection of the child in general. On the other hand, the program to remove children from the streets, implemented in several phases since 2017, has had mixed success, admittedly with high numbers of children taken away from the streets, but also a high rate of return to the streets after a short period.



#### 4.1.1 Promoting Decent Work in Senegal: SOLIDAR Network's recommendations

The guarantee of Decent Work and the protection of workers rights is a sine qua non for the realization of Economic and Social Rights, and is integral part of Goal 8 of the 2030 Agenda for Sustainable Development.

For this reason, and based on the evidence provided in regard to Senegal's protection of fundamental rights at work, including trade union rights and child labour legislation and practices, the SOLIDAR network calls for the EU and Senegal to collaborate on:

- Supporting workers' organizations in training and capacity building for their members, especially in social law, collective bargaining and social dialogue.
- Dedicating targeted EU programs and funds to tackling the root cause of child labour and exploitation, namely poverty and lack of social protection.

<sup>33</sup> <https://www.unicef.org/senegal/french/SNPS.pdf>



Author: Lieven Van Hoof, Pixabay.com





Author: Karim R. Pixabay.com

- Promoting more inclusive and accessible social integration mechanisms, in particular by facilitating school reintegration.

These objectives are in line with the new Commission's geopolitical priorities,<sup>34</sup> and especially with its commitment to creating Alliances for Sustainable Growth and Jobs by supporting the creation of decent jobs and by promoting education and skills training, as well as its commitment to safeguard fundamental human rights.

## 4.2 Universal access to education

Education - including lifelong learning - reduces inequalities and promotes gender equality. Everyone should have the right to quality and inclusive education, training and lifelong learning, in order to maintain and acquire the skills necessary to participate fully in society and successfully manage transitions in the labor market.

The Senegalese education system embraces the entire chain of learning from preschool to higher education. The main indicator used to measure the intensity of schooling is the Gross Enrollment Rate (GER). This reveals the capacity of the education system to accommodate school-age children. Intensity of schooling is defined

as the total enrollment in a specific level of education, without distinction of age, expressed as a percentage of the officially schoolable population, at the same level, for a given school year.

According to the 2018 Senegal National Report on the Situation of Education,<sup>35</sup> in the early childhood sub-sector, the gross national preschool enrollment rate stands at 17.8%, with a difference of 1.14 percentage points in favor of girls. Regional disparities in the GER nonetheless oscillate between 5.3% and 40.4%.

Regarding elementary school, in 2018 the gross enrollment rate was 86.4%. The GER for girls was 92.6%, being higher than that of boys with a relative difference of 12.2 percentage points.

The proportion of girls attending elementary school between 2013 and 2018 has been higher than that of boys, because of the various policies and awareness-raising and communication strategies implemented in favor of the former.

The average gross enrollment rate stands at 49.5%. Once again, It is higher for girls (53.3%) than for boys (45.9%), resulting in a parity index skewed in favor of girls.

<sup>34</sup> <https://europa.eu/capacity4dev/policy-forum-development/wiki/virtual-regional-meetings-july>

<sup>35</sup> [https://www.education.sn/sites/default/files/2019-08/RNSE%20\\_2018%20%20-DPRE\\_DSP\\_BSS-%20vf%20juillet%202019.pdf](https://www.education.sn/sites/default/files/2019-08/RNSE%20_2018%20%20-DPRE_DSP_BSS-%20vf%20juillet%202019.pdf)

As stipulated in Law 2004-37 of December 15, 2004 (which amends and supplements the National Education Orientation Law No. 91-22 of February 16, 1991), “schooling is compulsory for all children of both sexes aged 6 to 16.” The effort made by the relevant stakeholders for the enrollment of the entire school-age population must thus be sustained, as well as it is essential to work on the expansion of the elementary school network to increase its capacity to meet a more numerous and diversified demand.

### 4.2.1 Ensuring quality education: SOLIDAR Network’s recommendations

The achievement of an inclusive and equitable quality education is an integral part of Goal 4 of the Sustainable Development Agenda. There are several challenges in Senegal which still require attention in this sector in order for the country to achieve this Goal.

Especially, the SOLIDAR Network highlights the following areas of improvement, which should receive special attention by the EU in its cooperation with Senegal. These fit within the EU Senegal Strategy agenda (as part of Obj 2: ‘Contribute to improving the performance of the Senegalese education system, in an environment of equity and transparency’) as well as within the Commission’s priority of increasing human capital through the promotion of education and skills.<sup>36</sup>

- Raising awareness about inclusion and equality in education and promoting inclusive school and education policies and practices: in a context of still relatively high population growth (3%), many children remain excluded from the education system (i.e. 1,174,077, USAID 2017) and an excessive number of illiterate adults persists (54.6%, ANSD, 2017);

- Raising education quality by investing in teacher training and school infrastructure: low quality education reflects both in poor learning outcomes and in internal system inefficiency;
- Offering technical support and expertise to design a targeted and effective program to strengthen the current institutional and technical capacities of central and decentralized governance of the sector.



<sup>36</sup> <https://europa.eu/capacity4dev/policy-forum-development/wiki/virtual-regional-meetings-july>

## 5. THE IMPACT OF COVID-19 ON SOCIAL AND ECONOMIC RIGHTS AND CIVIL SOCIETY

The COVID-19 pandemic has had a strong impact on Social and Economic Rights worldwide as well as on the activities and ability to operate of civil society organisations.

In Senegal, civil society quickly got involved in the fight against the spread of the virus, and CSOs have proved very useful in organizing a rapid response at the level of the most remote communities, having already a well-established dynamic of work and communication with the populations, as well as local networks and contacts.

For example, in Ziguinchor, CSOs held meetings to coordinate a Covid-19 response with the means available;<sup>37</sup> they have raised funds to make donations in the areas where they operate (Platform of Women for Peace in Casamance,<sup>38</sup> USOFORAL<sup>39</sup>) and have developed appropriate awareness programs. As for Dakar, taking advantage of umbrella organizations such as PFONGUE, local and international NGOs held various meetings which resulted in the drafting of joint notes on the impact of the Covid-19 crisis on the most disadvantaged populations.

On the other hand, restrictions on movement and groupings affect the organizational and action capacities of CSOs and risk threatening citizens' freedoms in the medium term. In this context,

access to technology and IT knowledge becomes essential to ensure communication, coordination and organization of actions, but most CSOs are not sufficiently equipped. The material resources of the organizations are limited, depending for the most part on membership fees. It also took a readjustment of actions, because protective equipment is lacking to carry out activities with adults, children and vulnerable people. Thus, organizations have had to limit their activities to advocacy and sensitization of communities, by broadcasting messages from a distance. The absence of face-to-face activities left many beneficiary communities behind, due to them being poor or poorly equipped.

While some organisations have benefited from the support of donors and international partners, the SOLIDAR Network in Senegal remains a very small circle of organizations, and often local grassroots associations are not reached by it. However, these are essential for the detection and prioritization of needs, as well as for the coordination of actions.

The event of this health crisis could thus represent a window of opportunity to think of innovative instruments to strengthen the capacity of local CSOs and build community resilience and preparedness to emergencies and new challenges.

<sup>37</sup> <https://www.facebook.com/bazinesslands/posts/4240361922655900>

<sup>38</sup> <https://www.facebook.com/plateforme.femmes.paix.casamance/posts/1546090485558840>

<sup>39</sup> <https://www.facebook.com/usoforal/posts/2995938270444368>

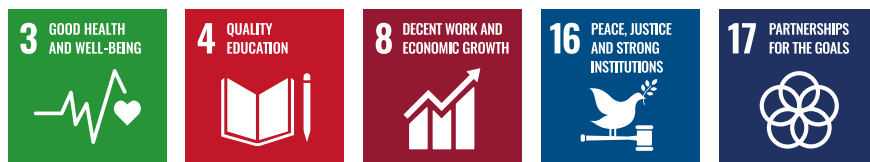


# 6. CONCLUSIONS

The promotion of Economic and Social Rights and of a favourable and enabling environment for CSOs and Human Rights Defenders is an essential prerequisite for the achievement of the 2030 Agenda on Sustainable Development and its SDGs.

The COVID-19 pandemic and its response policies, and the hardship that these have and will continue to cause on people's lives, especially when it comes to their ability to work, to access public services such as health and education, not to mention their ability to exercise fundamental freedoms such as freedom of assembly, make the promotion of economic and social rights and the strengthening of countries' civil society fabric all the more urgent.

The ongoing programming process represents a true opportunity to make these rights and the achievement of the SDGs the backbone of future EU work with partner countries, a work that SOLIDAR is ready to support. More particularly, and in line with the European Consensus on Development and the 2019 Von der Leyen Commission priorities, as well as considering the current EU-Senegal Development Cooperation Strategy, the SOLIDAR network makes the following recommendations to the EU and the Senegalese government, in regard to (1) building of an enabling environment for CSOs and (2) promoting decent work and social protection.



## IN REGARDS TO BUILDING AN ENABLING ENVIRONMENT FOR CSOS AND HRDS, THE SOLIDAR NETWORK CALLS FOR:

- Offering technical advice and support services to help small and medium-sized NGOs and CSOs to comply with Senegal's legal and bureaucratic requirements.
- Supporting initiatives to strengthen the technical and organizational capacities of grassroots social organizations, with a view to improving the associative fabric, as well as further publicising and guaranteeing them access to EU funds.
- Supporting CSOs' initiatives to promote gender equality policies and defend women's rights, such as the creation of spaces for discussion and exchange between women and women leaders, in order to promote their effective and truly equal participation in public life.



**IN REGARDS TO THE PROMOTION OF DECENT WORK  
AND SOCIAL PROTECTION FOR ALL, THE SOLIDAR NETWORK CALLS FOR:**

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**Decent work**

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- Supporting workers' organizations in training and capacity building for their members, especially in social law, collective bargaining and social dialogue.
  - Dedicating targeted EU programs and funds to tackling the root cause of child labour and exploitation, namely poverty and lack of social protection
  - Promoting more inclusive and accessible social integration mechanisms, in particular by facilitating school reintegration
- 

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**Access to education**

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- Raising awareness about inclusion and equality in education and promoting inclusive school and education policies and practices
  - Raising education quality by investing in teacher training and school infrastructure
  - Promoting a new education strategy aimed at reforming the curriculum and building an education and training offer that is adequate to demand
  - Finding a lasting resolution for chronic system instability caused by frequent and cyclical disruptions and strikes by teachers and/or students, encouraging and facilitating dialogue and confrontation between government, student and teacher unions
  - Offering technical support and expertise to design a targeted and effective program to strengthen the current institutional and technical capacities of central and decentralized governance of the sector
-

# EU Commission's priorities and SOLIDAR members work in Senegal

## GREEN DEALS



**Green Senegal**, local partner of **Solidarité Socialiste (SOLSOC)**, contributes to food security for the promotion of sustainable agriculture

**ARCI Culture Solidali – ARCS** promotes agroecology and community agriculture and fights against climate change.

## GROWTH AND LASTING EMPLOYMENT



**Istituto Nazionale Confederale di Assistenza – Confederazione Generale Italiana del Lavoro (INCA – CGIL)** provides training to trade union leaders.

**Green Senegal** helps the most vulnerable communities to establish agricultural activities which allow them to achieve financial and food security.

**Istituto Sindicale per la Cooperazione allo Sviluppo (ISCOS)** works for the betterment of the socio-economic conditions of young people and women with the objective of guaranteeing their food security.

**Solidarité Laïque** promotes a social and solidary economy.

**ARCS** is committed to promoting access to employment, training, financial services and the establishment of micro, small and medium enterprises (MSME).

## GOVERNANCE, PEACE, SECURITY AND STABILITY



**Asamblea de Cooperación por la Paz (ACPP)** has programs focused on issues of food security, support to displaced populations for peace building, and women's political participation.

**Solidarité Laïque** promotes youth participation and citizenship education through funding of micro-projects, advocacy, education actions and sponsorship.

**Centre d'Entraînement aux Méthodes d'Education Actives (CEMEA Sénégal)** promotes popular education for the young.

## PARTNERSHIP ON MIGRATIONS



**INCA-CGIL** assists Senegalese migrants who go to Italy on social protection issues through advocacy and training.

**ISCOS** is committed alongside unions to strengthen their capacity to advance migrant workers, and improve migration governance through social dialogue.

## DIGITAL TECHNOLOGIES AND TREATMENT OF WOMEN



**The Centres d'Entraînement aux Méthodes d'Education Active du Sénégal (CEMEA Senegal)** provide a digital home for girls and young women

## CONTRIBUTING ORGANISATIONS

Istituto Sindacale di Cooperazione  
allo Sviluppo (ISCOS)

Asamblea de Cooperación por la Paz (ACPP)

Associazione di Promozione Sociale (ARCI)

Comité d'Actions et de Réflexions Intersyndicales  
sur la Migration (CARISM)/ (Caravane Syndicale  
en Faveur des Migrants)

Federación Internacional de Centres d'Entraînement  
aux Méthodes d'Education Active (FICEMEA)

Solidarité Laïque (SL)

Green Senegal

Istituto Nazionale Confederale di Assistenza/ Confederazione  
Generale Italiana del Lavoro (INCA/CGIL)  
Solidarité Socialiste (SOLSOC)



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*Organising International Solidarity (OIS)*

*A presentation of the OIS programme can be found at the following link:*

*<https://prezi.com/view/9zuxuivoqUSD3w1pGJSz/>*