

Senegal

Persecuting



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QUICK FACTS

Political System | Presidential Democracy Population | 15,736,368 (July 2020)
Head of State | President Macky Sall (2012–present) GDP Per capita | NA

EXECUTIVE SUMMARY

Senegal has earned a score of F, or “persecuting,” every year from 2011–2018 on the F&M GBGR and GBTR. Homosexuality is criminalized and there is no possibility for legal recognition of gender identity. The United States Department of State (USDOS) recognizes violence and criminalization of LGBTI minorities as a “significant human rights issue” in the country, stating that LGBTI individuals have faced “widespread discrimination, social intolerance, and acts of violence” and that there is an indelible cultural and governmental bias against LGBTI individuals.¹

Background

Senegal was a French colony until it gained independence in 1960 as a part of the Mali Federation, which also included French Sudan, a union that only lasted a few months. Another failed union between Senegal and The Gambia occurred in 1982 and dissolved in 1989. Senegal is 95.9% Muslim and 4.1% Christian (mostly Roman Catholic).² The Movement of Democratic Forces in the Casamance (MFDC), formed in the 1980s, has been a long standing separatist insurgency in Senegal that is rooted in part in the religious difference in the Casamance, where Islam is not common.³ Senegal generally has freedom of speech, religion, assembly, and the like, but there have been instances where the government has exercised control against dissenters.⁴

Macky Sall has served as Senegal’s president since 2012.⁵ He has defended laws prohibiting same sex relations and marriage in Senegal on more than one occasion, notably during President Obama’s visit in 2013 and Canadian Prime Minister Justin Trudeau’s visit in February 2020, when he indicated that it would not be feasible for Senegal to legalize homosexuality because of how ingrained Senegalese culture is in their laws.

KEY FINDINGS

Legal Landscape

Homosexuality is criminalized in Senegal under Penal Code, Article 319(3), which states that same sex “improper or unnatural [acts]” will be met with a prison sentence of up to five years and a fine of up to 1,500,000 francs. As such, there are no protections from hate crimes, hate speech, or discrimination for LGBTI minorities under the law.⁶

While same sex acts are criminalized under Penal Code, the USDOS Human Rights Report in 2019 stated that the law was “rarely enforced.” It is worth noting that because homosexuality is criminalized, there may have been incidents of violence or discrimination against LGBTI minorities that victims did not report for fear of being punished.

There is no pathway for legal recognition of gender identity in Senegal.

In general, the LGBTI rights situation in Senegal worsened throughout 2019. Some activists had to go into hiding or seek refuge in surrounding countries after their personal information was leaked and they received violent threats.⁷

Political Landscape

President Macky Sall has spoken out against decriminalizing homosexuality on multiple occasions, the most recent being during a visit from Canadian Prime Minister Justin Trudeau in February of 2020. Sall said of Senegal's criminalization of homosexuality that "It is our way of living and being. It has nothing to do with homophobia."⁸ Furthermore, Senegal abstained on a resolution at the UN Human Rights Council to renew the mandate of an independent expert on protection against violence and discrimination based on sexual orientation and gender identity.⁹

General elections can be a difficult time for LGBTI minorities in Senegal because candidates will often use anti-gay rhetoric and pathos in order to gain support.¹⁰ Moreover, the LGBTI population does not have meaningful political representation because of high levels of discrimination.¹¹

Socio-Economic Landscape

There is a significant social stigma surrounding homosexuality in Senegal. According to a 2013 Pew Research poll, 96% of the population did not believe society should accept homosexuality. It is unlikely that that number has changed significantly because violence and discrimination against LGBTI minorities has remained consistent, as have governmental policies or lack thereof.

The Williams Institute's Global Acceptance Index demonstrates a decline in acceptance in Senegal since 2000. One of the main findings of the Global Acceptance Index is that there has been continuing polarization of LGBTI acceptance in the last decade such that the most accepting countries have become more accepting, and the least accepting countries have become less accepting. Senegal was one of the least accepting countries in 2014-2017, so its declining rates of acceptance support this finding.¹²

Societal-Level Discrimination

LGBTI minorities face violence and discrimination for their LGBTI identities in the form of "threats, mob attacks, robberies, expulsions, blackmail, and rape." LGBTI activists have also said that they have faced discrimination when it comes to access to social services.¹³

Prudence is the only LGBTI-oriented NGO that is registered in Senegal. However, the organization has expressed hesitancy in renewing their registration for fear it might be rejected, which indicates that they may not be able to assemble peacefully and safely.¹⁴



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ANALYSIS

It is unlikely that Senegal will improve its GBGR or GBTR score in the near future as it has received an F for all years from 2011-2018, which is on par with other countries in Sub-Saharan Africa. Issues that LGBTI minorities face can often be unspoken or ignored in Senegal. The stigma associated with homosexuality is deeply engrained in Senalese culture, rendering it impossible to engage in dialogue around topics like LGBTI rights.

CITATIONS

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