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PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA

WHISTLEBLOWERS IN SENEGAL:

Overview of the Legal Framework and
Practices

Table of Contents

Table of Contents.....	1
Introduction.....	3
Legal sources.....	4
Executive Summary.....	5
1. ANALYSIS OF THE LEGAL FRAMEWORK.....	5
1.1 Whistleblower laws and policies.....	5
➤ Absence of specific provisions regarding whistleblower protection in domestic law.....	5
➤ Law No. 2012-30 of December 28, 2012, establishing the National Office for the Fight against Fraud and Corruption (OFNAC).....	6
➤ Law No. 2012-22 of December 27, 2012, establishing the Code of Transparency in Public Finances Management.....	7
1.2 Laws and measures related to combating financial crime.....	7
➤ Fight Against Corruption.....	7
● Law No. 81-53 and Law No. 81-54 of July 10, 1981 creating the offense of illicit enrichment and the Court of Repression of Illicit Enrichment (CREI).....	8
● Law No. 2012-22 of December 27, 2012, and the obligation of asset declaration by holders of public authority.....	9
● Decree No. 2007-809 of June 18, 2007, regarding the General Inspectorate of State (IGE).....	9
➤ Law No. 2018-03 of February 23, 2018, regarding the fight against money laundering and terrorist financing (AML/CFT).....	9
1.3 Media rights and freedom of expression.....	10
➤ Legislation on Press Freedom and Media Rights.....	10
➤ Press freedom in Senegal : an alarming setback.....	11
1.4 The Access to Information Act and secrecy laws.....	13
□ Lack of a law on access to public information.....	13
2. WHISTLEBLOWER CASES.....	13
3. RECOMMENDATIONS: WEAKNESSES AND NEEDED REFORMS.....	14
- Whistleblowing and the fight against corruption.....	14
- Preservation of individual freedoms.....	14
4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES:.....	14

SENEGAL

Whistleblowers in Senegal: Overview of the Legal Framework and Practices

The publication of this report was funded by the [European Union](#) as part of the [OCWAR-M](#) project, the West African response to money laundering and the financing of terrorism. The 5-year project started in 2019 and covers ECOWAS Member States and Mauritania. Its main objective is to contribute to the understanding and effective implementation of international anti-money laundering and countering the financing of terrorism (AML/CFT) standards.

To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

● LIST OF ACRONYMS

AML/CFT: Anti-Money Laundering/Countering the Financing of Terrorism

CENTIF: Financial Intelligence Unit

CNRA: National Audiovisual Regulation Council

CPI: Corruption perception index

CREI: Court of Repression of Illicit Enrichment

ECOWAS: Economic Community of West African States

FATF: Financial Action Task Force

GIABA: Intergovernmental Action group against money laundering in west Africa

IGE: General Inspectorate of state

MFWA: Media Foundation for West Africa

ML/FT: Money Laundering / Financing of Terrorism

NGO: Non-governmental organization

OCWAR-M: Organised Crime, West African Response to money laundering and the financing of terrorism

OFNAC: Office for the fight against Fraud and Corruption

ONRAC: National Office for the recovery of criminal assets

PCQPV: Publiez Ce Que Vous Payez

PJF: Financial judicial pool

PPLAAF: Platform to Protect Whistleblowers in Africa

RFM: Radio Futurs Medias

RSF: Reporters Sans Frontières

UMS: Union of Magistrates of Senegal

Introduction

In West Africa, transnational organized crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organizations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offences. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Senegal in all these areas and analyse the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasises the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organizations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Senegal report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

Legal sources

- [United Nations Convention against Corruption of 2005](#)
- [African Union Convention on Preventing and Combating Corruption of 2003](#)
- [Constitution](#)
- [Law No. 65-60 of July 21, 1965, establishing the Penal Code](#)
- [Law No. 2016-29 of November 8, 2016, amending the Penal Code and subsequent modifications](#)
- [Law No. 97-17 of December 1, 1997, establishing the Labor Code](#)
- [Law No. 2012-30 of December 28, 2012, establishing the National Office for the Fight against Fraud and Corruption \(OFNAC\)](#)
- [Law No. 2012-22 of December 27, 2012, establishing the Code of Transparency in Public Finance Management](#)
- [Law No. 2018-03 of February 23, 2018, on combating money laundering and the financing of terrorism](#)
- [Law No. 81-53 of July 10, 1981, on the repression of illicit enrichment](#)
- [Law No. 81-54 of July 10, 1981, establishing a Court for the Repression of Illicit Enrichment](#)
- [Law No. 2017-27 of July 13, 2017, establishing the Press Code](#)

Executive Summary

Although Senegal has ratified the [United Nations Convention](#) and the [African Union Convention](#) against Corruption, which provide tools to combat this phenomenon, including in favor of whistleblowers, the country has not yet adopted a specific law to protect them.

Furthermore, despite several legislative provisions and control bodies to combat corruption, their effectiveness seems limited regarding the few investigations, prosecutions, and convictions related to this offense.

Finally, regarding freedom of expression, press freedom, and media rights, Senegal, once considered a model in West Africa, has experienced some setbacks in recent years. Thus, Senegal is faced with the challenge of restoring its exemplary position by implementing all necessary measures to ensure the safety of journalists and facilitate the exercise of their profession.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 Whistleblower laws and policies

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Senegal to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

➤ **Absence of specific provisions regarding whistleblower protection in domestic law**

Senegal ratified the [United Nations Convention against Corruption](#) on December 14, 2005, which underscores the need to establish effective protection against retaliation, intimidation, and threats to witnesses, victims, or experts. The country also ratified the [African Union Convention on Preventing and Combating Corruption](#) on February 15, 2007. Under these treaties, Senegal should adopt legislative measures to protect whistleblowers against retaliation, but the country currently lacks any specific legislation in this regard.

More generally, and before the adoption of a specific law on whistleblower protection, provisions in the criminal procedure code could effectively contribute to the protection of key witnesses, allowing for their deposition/testimony in anonymity, etc. These provisions are contemplated within a draft law prepared by the Ministry of Justice and transmitted to the head of Government. Furthermore, Senegal is also considering a draft law on whistleblowers that is currently being developed at OFNAC with the support of PPLAAF.

At this stage, in the absence of specific provisions adopted in Senegal, provisions regarding professional secrecy apply: secrecy is protected but not opposable to judicial authorities, thus allowing employees or key witnesses to testify before the authorities (see below).

The Preamble of the Senegalese [Constitution](#) affirms the attachment of the "Sovereign People of Senegal (...) to transparency in the conduct and management of public affairs as well as to the principle of good governance," yet this does not translate into concrete measures for whistleblowers in domestic law. Thus, Law No. 65-60 of July 21, 1965, establishing the [Penal Code](#), contains no provisions for protecting these actors but condemns "the revelation of secrets." In this regard, Article 363 stipulates that healthcare personnel and "any other persons entrusted, by status, profession, or temporary or permanent functions, with secrets entrusted to them, who, except where the law obliges or authorizes them to act as whistleblowers, have disclosed these secrets, shall be punished by imprisonment for one to six months and a fine of 50,000 to 300,000 francs CFA (...)."

Article 363 further specifies that "professional secrecy is never opposable to the judge for the needs of investigations (...), to judicial police officers and to agents of the General Directorate of Taxes and Domains acting within the framework of preliminary investigations conducted on written instructions from the Special Prosecutor at the Court of Repression of Illicit Enrichment (...)." The same code sanctions perjury under Articles 355 to 359 and slanderous accusation under Article 362.

According to the same approach, Law No. 97-17 of December 1, 1997, establishing the [Labor Code](#), in its Article L.56 specifies that "dismissals made without legitimate reasons, as well as dismissals motivated by the opinions of the worker, their trade union activity, their membership or non-membership in a specific union, in particular, are abusive." This provision indirectly protects any whistleblower, like any employee, from abusive dismissal sanctions that would be in response to the disclosure of information.

➤ **Law No. 2012-30 of December 28, 2012, establishing the National Office for the Fight against Fraud and Corruption (OFNAC)**

[Law No. 2012-30 of December 28, 2012](#), established the National Office for the Fight against Fraud and Corruption (OFNAC). It is an independent administrative authority with the objectives of preventing and combating fraud, corruption, related practices, and associated offenses in order to promote integrity and probity in the management of public affairs (Article 2). OFNAC's mission includes "collecting, analyzing, and making available to the judicial authorities responsible for prosecutions information relating to the detection and repression of acts of corruption, fraud, and related practices committed by any person exercising a public or private function" as well as "receiving complaints from individuals or legal entities relating to acts of corruption, related practices, or connected offenses" (Article 3). OFNAC may, for the performance of its missions: "hear any person presumed to have taken part in the commission of

one of the acts provided for by law" and "collect any testimony, information, or document useful, without professional secrecy being able to be opposed to it."

In its [2021 activity report](#), the Complaints Office of OFNAC reported receiving a total of 100 complaints and denunciations, bringing the total number of complaints recorded since the creation of OFNAC to 1750. In 2021, 90 orders to open investigations were signed by the President and notified to the Investigation Department for execution. Anonymous complaints accounted for 35% of complaints in 2021, which is 5 points higher than the previous year (30.23%).

➤ **Law No. 2012-22 of December 27, 2012, establishing the Code of Transparency in Public Finances Management**

In accordance with Law No. 2012-22 of December 27, 2012, establishing the Code of Transparency in Public Financial Management, public officials are required to report violations of the law to the judicial authorities. Article 7.3 of this law specifies that sanctions, in accordance with the principles of the rule of law, are provided against any person, whether elected or public official, who violates the rules regarding the use of public funds, and that "failure to report to the justice system any violation of these rules by a public official who has become aware of it is criminally sanctioned." However, there is currently no legal mechanism in place to protect public officials against potential workplace reprisals or civil and/or criminal proceedings in response to such potential disclosures.

1.2 Laws and measures related to combating financial crime

This section focuses on the measures taken by the Senegalese government to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Senegal.

➤ **Fight Against Corruption**

According to a [survey](#) conducted between December 2020 and January 2021 by Afrobarometer¹, a pan-African research network, 75% of Senegalese people believe that corruption has increased in the country during the indicated period. The survey also reveals the fear and reluctance of Senegalese people to denounce these acts out of fear of reprisals. In its 2022 report on the

¹ Afrobarometer is a pan-African research network that conducts public opinion surveys in over 35 African countries. It aims to measure Africans' attitudes towards democracy, governance, the economy, and civil society. Surveys are conducted on a national scale using rigorous methodologies. The results are used by researchers, policymakers, the media, and civil society to inform political debates and decision-making in Africa. Afrobarometer's overall goal is to strengthen democratic governance and citizen participation by providing reliable data on African public opinions.

[Corruption Perceptions Index \(CPI\) worldwide](#), Transparency International² ranks Senegal 72nd out of 180 countries with a score of 43/100. However, Senegal has several institutions, a national [strategy, and laws dedicated to combating this phenomenon](#).

Thus, the Senegalese [Penal Code](#) severely punishes corruption, both active and passive, by public officials and private actors under articles 159 to 163. Article 12 of [Law No. 2012-30 of December 28, 2012](#), allows the OFNAC to take up "any act of fraud, corruption, or any offense [...] of which it becomes aware" on its own initiative.

However, some members of Senegalese civil society, such as [Birahim Seck](#), coordinator of [Forum Civil](#)³, consider that "OFNAC is not an effective institution." In this regard, it seems that several reports from the institution have been transmitted to the public prosecutor, but no action has been taken, which is all the more problematic as Article 14 of Law No. 2012-30 specifies that "(...) the transmission of the report to the public prosecutor divests the OFNAC of jurisdiction." Some voices from civil society also deplore that the institution's activity reports are not systematically made public.

- **Law No. 81-53 and Law No. 81-54 of July 10, 1981 creating the offense of illicit enrichment and the Court of Repression of Illicit Enrichment (CREI)**

The [Penal Code](#) also sanctions illicit enrichment under Article 163 bis. The offense of illicit enrichment is established when "upon simple notice, one of the persons designated above is unable to justify the lawful origin of the resources that allow them to possess assets or lead a lifestyle unrelated to their lawful income." Article 163 bis specifies that the lawful origin of assets can be proven by any means. In this sense, [Law No. 81-54 of July 10, 1981](#), created the Court of Repression of Illicit Enrichment (CREI). Revived in 2012 by Macky Sall after a 30-year hiatus, the CREI has handed down only two convictions in eleven years and has become obsolete, also facing numerous criticisms from human rights defenders due to the impossibility of appealing its decisions. On July 21, 2023, deputies adopted the law amending the CPP and establishing the Financial Judicial Pool (PJF) with a specialized public prosecutor's office. The Minister of Justice believes that this PJF will modernize the fight against financial crime by addressing the human resources and specialization issues encountered by the CREI.

² Transparency International is a non-governmental organization (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organization advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

³ Forum Civil is a Senegalese NGO founded in 1993 that promotes active citizenship, transparency, good governance, and democracy. It monitors public policies, fights against corruption, defends human rights, and encourages citizen participation.

- **Law No. 2012-22 of December 27, 2012, and the obligation of asset declaration by holders of public authority**

The law establishing the [Code of Transparency in Public Financial Management](#) provides, in Article 7.1, that "holders of any public authority, elected officials, or public officials, shall declare their assets at the beginning and end of their term or function. A [specific law](#) specifies the conditions and scope of application of this principle and defines offenses and sanctions for any illicit enrichment."

- **Decree No. 2007-809 of June 18, 2007, regarding the General Inspectorate of State (IGE)**

In Senegal, the [General Inspectorate of State \(IGE\)](#), whose organization is defined by [Decree No. 2007-809 of June 18, 2007](#), has among its attributions "the management of financial resources and accounting." It also has the power to conduct "investigations and inquiries into the regularity and transparency of the management of public funds, materials, and assets." The Forum Civil, which has already initiated the debate on the [credibility of this institution](#), advocates for the IGE to be endowed with the power [of self-referral](#) and the power to transmit its reports to prosecuting authorities regarding acts of corruption.

- **Law No. 2018-03 of February 23, 2018, regarding the fight against money laundering and terrorist financing (AML/CFT)**

The AML/CFT law requires the country to establish a national AML/CFT framework covering several aspects, including the following:

1. The country must conduct its national risk assessment and identify vulnerabilities to money laundering (ML) and terrorist financing (TF).
2. Obligated entities (financial institutions and DNFBPs) must conduct their risk assessments.
3. Obligated entities must implement an effective AML/CFT framework to significantly mitigate ML/TF activities and submit suspicious transaction reports to the financial intelligence unit (CENTIF).
4. Obligated entities failing to meet their obligations must face administrative and disciplinary sanctions.
5. CENTIF must be autonomous, operational, and adequately resourced with technical, financial, and human resources to fulfill its missions. CENTIF is an independent administrative authority under the supervision of the Minister of Finance. Its mission includes processing and transmitting information for the fight against ML and TF. CENTIF also handles suspicious transaction reports and can oppose the execution of a transaction based on serious, consistent, and reliable information. When operations reveal facts that may constitute the offense of money laundering or terrorist financing, CENTIF

submits a report to the Public Prosecutor, who must refer the case to the investigating judge.

6. The country must establish mechanisms to freeze the assets of terrorist individuals and organizations.
7. Both individuals and legal entities can be held criminally liable for offenses related to money laundering and/or terrorist financing.
8. The country establishes mechanisms to seize, manage, and confiscate the assets of criminals. In this regard, Senegal has established the National Office for the Recovery of Criminal Assets (ONRAC) since Law No. 2021-34 of July 23, 2021. It is noteworthy that ONRAC conducted at least 2 auctions in 2023, totaling sales exceeding 500 millions francs CFA.

Following the country's mutual evaluation by the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), the FATF placed the country on its "grey list" in February 2021, publicly listing countries with weak AML/CFT regimes and implementing enhanced monitoring, which is ongoing.

1.3 Media rights and freedom of expression

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

➤ Legislation on Press Freedom and Media Rights

The Senegalese [Constitution](#) guarantees freedom of opinion, freedom of expression, freedom of the press, and the right to pluralistic information in Article 8. Article 10 of the same Constitution states: "Everyone has the right to express and disseminate freely their opinions by word, pen, image, peaceful demonstration, provided that the exercise of these rights does not infringe upon the honor and consideration of others, nor public order." Article 11 adds that "The establishment of a press body for political, economic, cultural, sports, social, recreational, or scientific information is free and is not subject to any prior authorization." Finally, Article 13 specifies that "The secrecy of correspondence, postal, telegraphic, telephonic, and electronic communications is inviolable. Restrictions on this inviolability can only be ordered in accordance with the law."

Therefore, in Senegal, there is a genuine constitutional recognition of media rights, freedom of expression, and the right to information. This protection should theoretically promote the exercise of journalism.

However, severe penalties, including imprisonment, are in force for press offenses. Thus, Article 261 of the [Penal Code](#) specifies that "defamation committed against individuals (...) shall be punishable by imprisonment from three months to two years and a fine of 100,000 to 1,000,000 francs CFA or one of these two penalties only (...)." For defamation against Courts and Tribunals, the Army and public administrations (Article 259), or any representative of public authority (Article 260), the penalty is even more severe, ranging up to two years imprisonment and a fine of 1,500,000 francs.

In 2017, Senegal adopted [Law No. 2017-27 establishing the Press Code](#); Article 194 of this new Code provides for very severe criminal sanctions, including up to two years' imprisonment for acts of defamation or three years for the publication of "false news" likely to "undermine public morale » or "discredit public institutions," according to [Reporters Sans Frontières \(RSF\)](#)⁴. "The retention of numerous and very heavy custodial sentences for simple press offenses (...) poses significant threats to journalism in Senegal," expressed concern Assane Diagne, then RSF's West Africa director.

➤ **Press freedom in Senegal : an alarming setback**

In 2021, journalist and editor of the newspaper "Le Quotidien," [Madiambal Diagne](#), asserted during a radio program that the judge and president of the Union of Magistrates of Senegal (UMS), Souleymane Téliko, had been criticized in a report by the European Union for unduly claiming mission expenses for accommodation in Chad even though the costs had been covered by the Chadian government. Judge Téliko therefore decided to sue the journalist for defamation. . On 17 June 2021, the Dakar Criminal Court found the journalist guilty of the charges and sentenced him to six months' imprisonment, including three months' imprisonment, a fine of 600,000 CFA francs and ordered him to pay damages of 5,000,000 CFA francs. Several members of civil society, including the [NGO Article 19](#)⁵, found the sentence not only disproportionate but also a serious attack on freedom of expression and of the press.

⁴ Reporters Sans Frontières (RSF) is an international non-governmental organization founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organization actively works to denounce censorship, repression, and infringements on freedom of expression. RSF yearly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.

⁵ Article 19 is an international NGO that advocates for freedom of expression and the press worldwide. It works with governments, media, and civil society to promote and protect this fundamental right. Its activities include research, advocacy, training, and legal advice for journalists and human rights defenders. The NGO conducts awareness campaigns and contributes to the reform of restrictive laws. Article 19 is a key player in safeguarding freedom of expression globally.

[The Media Foundation for West Africa \(MFWA⁶\)](#) also expressed concern over this conviction, considering it "regressive for a journalist to face criminal charges and custodial sentences for defamation in the exercise of his duties especially in a democratic country." MFWA urged the authorities to release the journalist and to amend the legislative framework with the aim of decriminalizing press offenses.

Senegal is reputed to be one of the West African countries with the greatest respect for press freedom. However, over the past two years, Senegal has suffered an alarming decline in this regard, reflected in its score evolution in the RSF ranking: 49th in 2021, the country fell to 74th place in 2022, and to [104th place in 2023](#), a drop of 55 places in two years. This can be explained by the fact that 2022 was marked by an increase in arrests and violence against journalists, particularly by political actors. As RSF points out, "for the first time since 2004, an investigative journalist has spent nearly two months in prison, accused, among other things, of having divulged information likely to harm national defence and false news likely to discredit public institutions".

Over the past few years, Senegal has faced a [series of violations of press freedom](#), notably when, in March 2021, the main opposition leader to the president of the Republic, Ousmane Sonko, was arrested for the alleged rape of a massage parlor employee, leading to a popular uprising in his favor in several cities of the country. During these events, the National Audiovisual Regulation Council (CNRA) suspended the signal of the private television channels [SenTv and WalfadjiriTV](#) for 72 hours, accusing them of "irresponsible coverage of the situation" and "flagrant violations of regulations." RSF also specifies that the premises of the private radio RFM and the newspapers l'Observateur and Le Soleil were [attacked by individuals](#). During rallies in support of Ousmane Sonko, journalists were also injured by the police. Finally, disruptions were recorded regarding access to certain social networks such as YouTube, Facebook, and WhatsApp. During these demonstrations, fourteen people reportedly lost their lives, twelve of them due to gunfire from defense and security forces, according to [Amnesty International](#). In June 2022, the editing team of the [Television Futurs Médias \(TFM\)](#) was prevented from covering the preparations for an opposition rally in Dakar.

Since [March 2023](#), worrying signs have emerged, showing a significant increase in violations of freedom of expression and the press. The Senegalese political scene has been marked by recurring episodes of tension between the government and the political opponent Ousmane Sonko. After a long legal battle, Sonko was apprehended in Dakar on July 31, 2023, while the government mentioned the intention to dissolve his political party. Demonstrations erupted, mainly among the opponent's supporters, resulting in violent clashes with law enforcement and

⁶ The Media Foundation for West Africa (MFWA) is a regional non-governmental organization focused on promoting press freedom, freedom of expression, and democracy in West African countries. It was established in 1997 and is headquartered in Accra, Ghana. The MFWA aims to strengthen independent media, advocate for journalists' rights, and promote media accountability in West Africa. It works on journalist training, raising awareness about media rights, protecting journalists at risk, and combating censorship and restrictions on press freedom.

unfortunately leading to numerous human losses in various regions of the country. In response, the Senegalese authorities [suspended access to the internet via mobile data](#) for several days and then banned the TikTok application due to "its use for the spread of hateful and subversive messages." A situation that [Amnesty Senegal](#) deplors and strongly condemns.

In its annual report [Freedom in the World 2023](#)⁷, the Senegalese press is classified as "partly free" with a score of 68/100.

1.4 The Access to Information Act and secrecy laws

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviors within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, thereby providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

□ Lack of a law on access to public information

The right to information is a right enshrined in the [Constitution](#) in Article 8 (right to pluralistic information), but Senegal does not have a specific law on access to public information. While there are several laws that allow access to [specific information](#), no text that standardizes all of these provisions has been adopted to date.

However, in [2020](#), the terms of reference for the general law on access to information were shared between the Ministry of Justice and civil society. This law was supposed to be adopted in 2021, but despite [advocacy](#) efforts by NGOs such as Article 19, Forum Civil, and the Panos Institute, the situation has not progressed since 2020.

The adoption of this law would concretize citizens' right to information, an essential element to promote transparency, good governance, and the rule of law. The adoption of such a law also has the potential to improve the working conditions of journalists, especially investigative journalists, and facilitate the practice of whistleblowing in Senegal.

2. WHISTLEBLOWER CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

There are no known cases of public whistleblowers in Senegal.

⁷ Freedom House is an American non-governmental organization founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.

3. RECOMMENDATIONS: WEAKNESSES AND NEEDED REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

- Whistleblowing and the fight against corruption

In Senegal, there is a lack of measures aimed at protecting whistleblowers, despite the country's commitment to integrating them into its legislation by adhering to the United Nations and African Union conventions against corruption.

- A specific law is necessary to establish an adequate framework for protecting whistleblowers.
- In this perspective, it would also be advisable for Senegal to develop and adopt a comprehensive and effective law on access to public information, aiming to promote transparency and contribute to the reduction of corruption.
- Finally, in a perspective of strengthening the fight against corruption, the powers of the OFNAC could be strengthened and its authority expanded to allow individuals to report misconduct cases beyond corruption and fraud.

- Preservation of individual freedoms

Today, Senegal faces the challenge of preserving individual freedoms, including the right to information and freedom of expression and of the press.

- It remains essential that the country continues to be a model in West Africa in terms of stability and respect for the principles of the rule of law, particularly in a regional security context marked by the fight against terrorism and the increase in military coups.

4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES:

In this section, we will explore the landscape of civil society organizations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

The Platform to Protect Whistleblowers in Africa (PPLAAF) has a representative office in Dakar, Senegal called [« Maison de l'Alerte »](#). It is a central hub and a privileged space for African whistleblowers, as well as for individuals and organizations involved in raising awareness about whistleblowing. Maison de l'Alerte also serves as a platform for discussions on democratic issues, the fight against corruption, and money laundering. It is also a meeting place for a wide variety of stakeholders who can act as a citizen shield for whistleblowers.

In Senegal, PPLAAF has identified a significant deficit in the understanding of the concept of whistleblowing among the population and professionals. This was evidenced by a recent awareness training session on the concept of whistleblowing conducted by PPLAAF and [Expertise France](#) as part of the OCWAR-M project, funded by the European Union, and intended for the Senegalese Bar Association. During a training session for lawyers in this country, held in February 2022, PPLAAF realized that even for these professionals, the concept of whistleblowing remains poorly understood. Therefore, urgent action is needed in this regard.

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[Forum Civil](#) is the Senegalese section of Transparency International. This NGO aims to contribute to the improvement of the legal, regulatory, and institutional framework for fighting corruption. It works with populations to strengthen their capacities, cooperates with the state and its bodies, particularly on proposed laws, and organizes awareness-raising and advocacy activities for the improvement of public governance.

The [3D NGO](#) is an organization that works for the promotion of human rights, local development, democracy, and good governance. Regarding the democracy and good governance component, the NGO has the following missions:

- To promote open governance at the national and local levels,
- To contribute to equitable and rational management of natural and financial resources,
- And to contribute to the quantitative and qualitative participation of citizens in elections and to better management of electoral processes.

The [Afrikajom Center](#) was founded in 2018 by Alioune Tine. It is a regional center for training, research, and a think tank that envisions the construction of a fairer and more equitable world. The Afrikajom Center places the promotion of good governance and the challenges of peace and security at the center of its actions.

[Publiez ce que vous payez \(PCOVP\)](#) is a coalition of civil society organizations whose objective is to make the extractive sector more transparent and accountable, so that the revenues from the oil, gas, and mining industries contribute to improving the living conditions of populations in resource-rich countries.



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