



DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

SENEGAL
COUNTRY REPORT

2024

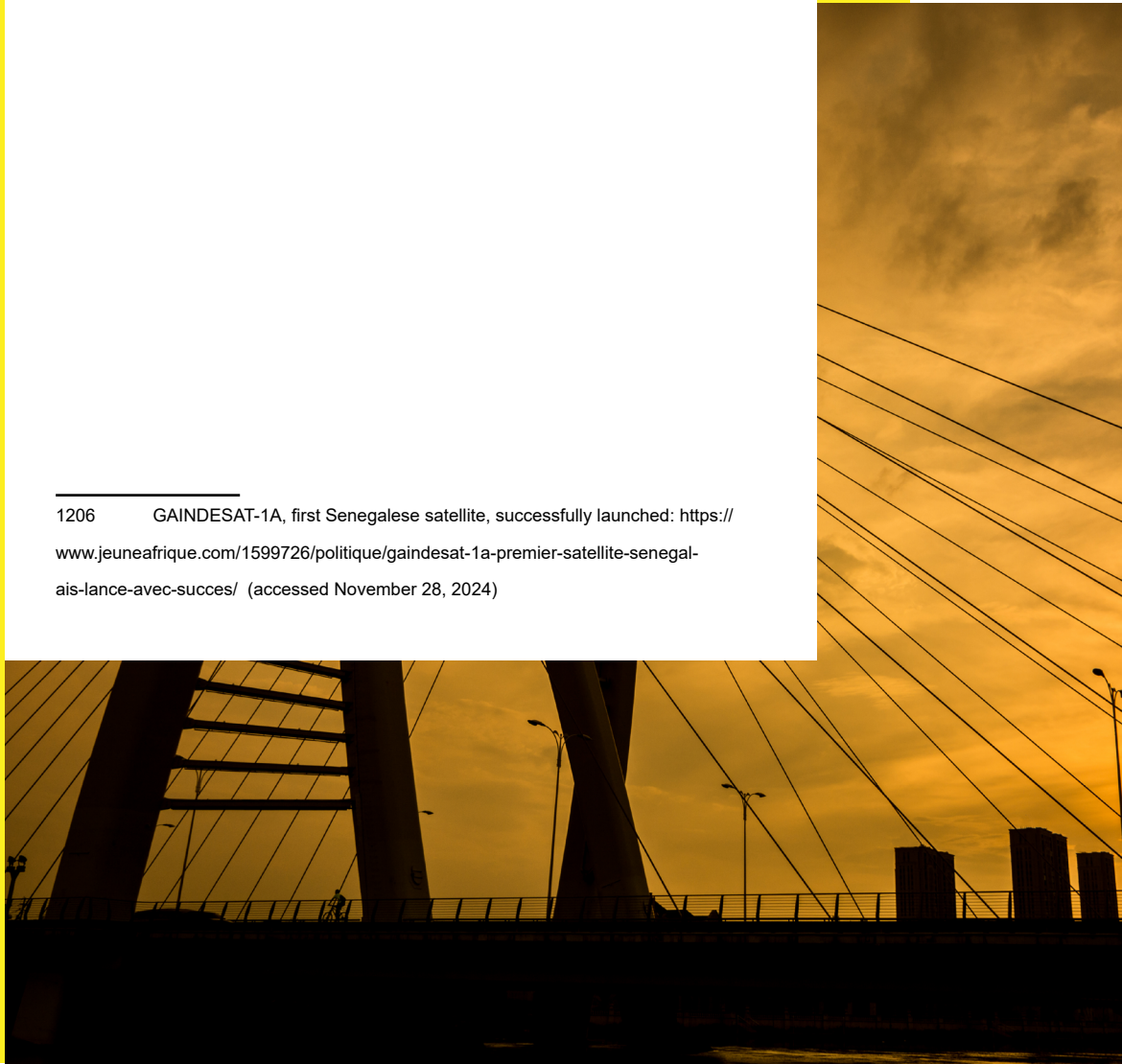
Senegal



Executive Summary

Senegal joined 17 African countries that have put at least one satellite into orbit in 2024. The country joined countries such as South Africa and Egypt, which each have 13 satellites, and Nigeria, which ranks third with 7 satellites. President Bassirou Diomaye Diakhary Faye declared this initiative an important step towards Senegal's "technological sovereignty."¹²⁰⁶ This Senegal report on digital rights and inclusion was written in this post-presidential and parliamentary election context. The research underlying this report examined internet access, freedom of expression, data protection and confidentiality, censorship and content moderation, access to information, artificial intelligence and emerging technologies, digital inclusion, and the Universal Service Fund. This report has demonstrated that significant efforts remain to be made in terms of press freedom.

1206 GAINDESAT-1A, first Senegalese satellite, successfully launched: <https://www.jeuneafrique.com/1599726/politique/gaindesat-1a-premier-satellite-senegal-ais-lance-avec-succes/> (accessed November 28, 2024)



Introduction

3

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AND
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LONDA
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To boost economic growth and encourage long-term development, Senegal has started several strategic initiatives. These include the Accelerated Growth Strategy (AGS)¹²⁰⁷ and plans to diversify the economy, improve infrastructure, and encourage entrepreneurship and industrialisation. In Senegal, the idea of electronic administration, or e-government, has emerged as a result of the development of information and communication technologies (ICT). The Emerging Senegal Plan (ESP)¹²⁰⁸, which was created in 2016, includes the “Digital Senegal (2016-2025)”¹²⁰⁹ strategy, which serves as the foundation for this key program.

Under the direction of the President of the Republic, Senegal has launched a bold digital transformation program known as the “New Technology Deal”¹²¹⁰ to expand the digital industry. The goal of this strategy is to establish the nation as an African leader and driving force behind digital innovation.

About the digital economy, the value-added tax (VAT) on digital services offered by overseas online providers and foreign digital platforms has come into effect, according to the Senegalese Directorate General of Taxes and Estates (DGID).¹²¹¹ A key milestone in its digital tax policy is the introduction of a new 18% VAT on services offered by digital platforms. The goal of this project is to govern Senegal’s digital services industry.¹²¹²

1207 Orientation Law No. 2008-03 of January 8, 2008 on the Accelerated Growth Strategy.

1208 In 2016, Senegal launched its “Digital Senegal 2025” strategy.

1209 The PSE is supported by a Priority Action Plan (PAP): phase 1 (2014-2018) and phase 2 (2019-2023).

1210 New technological deal: Senegal aims to become a leader in digital innovation in Africa, <https://www.rts.sn/actualite/detail/a-la-une/new-deal-technologique-le-senegal-ambitionne-de-devenir-leader-de-linnovation-numerique-en-afrique> (accessed November 28, 2024).

1211 Arrêté-n°-10698-du-27-juin-2024-portant-application-de-l'article-355-bis du CGI.

1212 Dgid | VAT on digital services will be effective from July 1, 2024: <https://www.rts.sn/actualite/detail/a-la-une/dgid-la-tva-sur-les-services-numeriques-sera-effective-a-partir-du-1er-juillet-2024> (accessed November 28, 2024).

Internet access

The Telecommunications and Postal Regulatory Authority (ARTP) and the Senegalese Electronic Communications Market Observatory have released their quarterly reports for January and March 2024.¹²¹³ This data states that during this quarter, there were 20,779,260 internet lines, a 4.66% increase. The majority of internet line customers (96.48%) are 2G, 3G, and 4G mobile internet users. In the first quarter of 2024, there were 999 lines of Internet Service Providers (ISPs).

“DataReportal” estimates that 60% of Senegal’s population will have internet access by 2024.¹²¹⁴ The percentage of people using fixed broadband internet is 24.39%. According to the survey, the mobile Internet penetration rate is expected to have increased by 3.27 percentage points to 112.52% quarterly. 99.06% of people have access to broadband (3G/4G). However, it should be mentioned that the high cost of an Internet connection is a major factor in the challenges that citizens face when trying to use ICT services.

Freedom of Expression

The Senegalese Constitution¹²¹⁵ guarantees freedom of expression. Freedom of expression is valued under Senegalese law. Refer to the 2017 Press Code, Law No. 2018-28 of December 12 on the Electronic Communications Code, and Law No. 2008-10 of January 25, 2008, on the Orientation Law on the Information Society (LOSI).¹²¹⁶ The government has proposed a measure for the Promotion and Protection of Human Rights Defenders to fortify human rights.

However, given the events that took place during the 2023–2024 pre-election period, it is evident that Senegal’s freedom of expression is not completely guaranteed. In Senegal, journalists, activists, and politicians have been arrested, intimidated, and convicted.

Bah Diakhaté, an activist, was charged and found guilty under the new government for disseminating misleading information and disparaging someone who was using all or some of the President of the Republic’s powers. Preacher Cheikh Tidiane Ndao was also charged with the same offenses.¹²¹⁷

Furthermore, the 2024 Reporters Without Borders (RSF) World Press Freedom Index shows that while Senegal offers a favourable environment for the press, with media pluralism, a rise in verbal, physical, and judicial threats against journalists in recent years is creating the conditions for a decline in the right to information. Out of a total of 180 countries, Senegal is ranked 94th, with a score of 55.44 in 2024.¹²¹⁸

Access to information

To assist member states in creating national laws about this issue, the African Union established a Model Law for Africa on Access to Information in 2013.¹²¹⁹ A statute granting access to information makes state officials more transparent and accountable, while bolstering public institutions’ credibility. A law of access to information enables citizens to engage more fully in public life.

Although there has been progress in recent years, particularly with Senegal’s 2018 entrance to the Open Government Partnership, the lack of access to information law is impeding the development of a true culture of transparency in Senegal. To do this, the National Steering Committee of the OGP was established and organised on June 20, 2024, when Minister of Justice Ousmane Diagne

1213 Quarterly Report on the Electronic Communications Market, January-March 2024, available at:

https://artp.sn/sites/default/files/202407/Rapport_marche%20des%20communications%20electroniques%20T1%202024.pdf (accessed November 28, 2024).

1214 <https://datareportal.com/reports/digital-2024-senegal>

1215 JORS, No. 5963 of January 22, 2001.

1216 JORS, No. 6406 of May 3, 2008, p. 419 et seq.

1217 Justice: Activist Bah Diakhaté faces the prosecutor this Wednesday: https://www.dakaractu.com/Justice-L-activiste-Bah-Diakhate-face-au-procureur-ce-mercredi_a248781.html (accessed November 28, 2024).

1218 Reporters Without Borders (FSF) 2024 World Press Freedom Index.

1219 Model Law for Africa on Access to Information 2013: <https://achpr.au.int/fr/node/873> (accessed 28 November 2024).

issued Order No. 009751 MJ/DPBG.¹²²⁰ A major step towards the government's commitments is this decision.

Data protection and confidentiality

The 2019 bill reforming¹²²¹ Law No. 2008-12 of January 25, 2008 on the protection of personal data¹²²² brought major innovations including the creation and operation of a Personal Data Protection Authority (APDP), the development of specific regimes for the processing of medical data, employee data, biometric data, the Internet of Things and artificial intelligence. These innovations aim to modernize the personal data protection system by adapting it to Supplementary Act A/SA.1/01/10 relating to the protection of personal data in the ECOWAS region and the African Union Convention on Cybersecurity and the Protection of Personal Data. Added to this is the National Data Strategy project, which has the vision of "Making data a driver of socio-economic growth, inclusiveness, innovation and international openness, by 2028 in Senegal."

Censorship and content moderation

For the year 2024, Senegal has experienced two cases of internet shutdowns. These are the restrictions on access to mobile data internet on February 4 and February 13, 2024. In its press release, the Ministry of Communication, Telecommunications and Digital Economy maintains that: "Due to the dissemination on social networks of several hateful and subversive messages which have already provoked violent demonstrations with deaths and significant material damage, mobile data internet is suspended this Tuesday according to certain time slots."

Additionally, the TikTok app was suspended by the Senegalese government on August 2, 2023, citing the fact that "the TikTok application is the social network favoured by malicious individuals to spread hateful and subversive messages threatening the stability of the country."¹²²³ By requiring TikTok to sign an agreement to develop an account deletion mechanism, the government aimed to strengthen the platform's regulation, including algorithm functionality and data protection, during negotiations with the company.¹²²⁴

AI and emerging technologies

A national strategy on artificial intelligence (AI) is presently being developed in Senegal.¹²²⁵ Its goal is "For an ethical and trustworthy AI, a catalyst for the Emerging Senegal Plan, youth employment, economic performance, public transformation, sovereignty, and the attractiveness of Senegal." Senegal wants to lead subregional technological collaboration and turn AI into a model national collective project that advances economic performance, anticipates climatic dangers, and serves the common good.

A supercomputer with 8,064 computing nodes, a distributed memory capacity of 1.2 PB, and a peak power of 537.6 TFlops has been purchased by the government.¹²²⁶ Thanks to this infrastructure, Senegal has a strong tool that can aid in advancing artificial intelligence.

Digital inclusion

Senegal's digital inclusion is further enhanced through its digital identification policy. The National Digital Identity project has a consensual vision: "the existence in Senegal by 2024 of an operational, reliable, secure, and accessible digital identity for the benefit of users."¹²²⁷

¹²²⁰ <https://www.article19.org/fr/resources/senegal-la-creation-du-comite-de-pilotage-du-partenariat-pour-un-gouvernement-ouvert-fe-ra-avancer-la-transparence-et-lengagement-civique/> (accessed February 20, 2025).

¹²²¹ Draft law to overhaul the personal data protection system by repealing and replacing Law No. 2008-12 of January 25, 2008.

¹²²² <https://www.cdp.sn/sites/default/files/protection.pdf> (accessed November 28, 2024).

¹²²³ Press release from the Minister of Communication, Telecommunications and the Digital Economy, August 2, 2023.

¹²²⁴ Senegal maintains its ban on TikTok: <https://fr.africanews.com/2023/10/06/le-senegal-maintient-linterdiction-de-tiktok/> (accessed November 28, 2024).

¹²²⁵ <https://www.numerique.gouv.sn/mediatheque/documentation/la-strat%C3%A9gie-ia> (accessed November 28, 2024).

¹²²⁶ Artificial Intelligence, Challenges for Senegal and Africa, National Academy of Sciences and Technology of Senegal (ANSTS), January 8, 2024.

¹²²⁷ Senegal will have a digital identity in 2024.

The main objectives¹²²⁸ of this project are:

1. Facilitate administrative procedures and rapid access to government information;
2. Facilitate the interoperability of government information systems;
3. Facilitate the exchange of data on individuals and businesses;
4. Facilitate the inclusion of all citizens to achieve the Sustainable Development Goals and wealth creation.

Universal Service Fund

To eliminate social disparities and establish equitable conditions, the Universal Telecommunications Service Development Fund (FDSUT),¹²²⁹ whose administration, missions, and goals are established by decree no. 2019-593 of February 14, 2019, seeks to expand the presence of community telecommunications networks.

Senegal has implemented co-construction models amongst operators, represented by the sharing of digital land use planning and infrastructure, as part of the program to address inequalities between urban regions and underserved community areas.

To do this, the FDSUT opened the Living Lab for the benefit of local communities.¹²³⁰ It is now operating at full capacity.¹²³¹ Through an innovation technique built on the collaboration of corporations, associations, and individual actors, as well as public and private actors, its goal is to incorporate digital technology into the primary sector (agriculture, livestock, and fisheries).¹²³²

1228 Feasibility study of the national digital identity (INN) project: <https://identitenumerique.sn/wp-content/uploads/2022/08/INN-Rapport-Final-inputs-MENT.pdf> (accessed November 28, 2024).

1229 <https://fdsut.sn/salles-multimedias/> (accessed November 28, 2024).

1230 Socioeconomic development of the regions: the FDSUT inaugurates the Living Lab: <https://fdsut.sn/category/livinglab/> (accessed November 28, 2024).

1231 Implementation of the operational phase of the living lab, August 22, 2024.

1232 Living Lab FDSUT or Living Lab: <https://fdsut.s/living-lab-fdsut-innovation-numerique-secteur-primaire/> (accessed November 28, 2024).

Senegal Score Index

Key Indicators of Londa 2025	Declaration of the ACHPR (P for Principle)	Score	Justification
Internet Outages	P38(2)	1	Two internet shutdowns in 2024: Restrictions on mobile data access to the internet on February 4 and February 13, 2024. Based on Principle 38 of the Declaration, Senegal has violated international law and standards.
2. Lack of laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the Internet	P37	3	Senegal does not have a law on access to information, but rather a draft law. Existence of policies and measures aimed at promoting universal, equitable, affordable, and meaningful access to the Internet. Actions carried out by the Universal Telecommunications Service Development Fund (FDSUT).
3. Criminalisation of fake news	P22(2)	1	The dissemination of false news is considered an offence Article 255 of Law No. 77-87 of August 10, 1977, amending the Penal Code of 1965.
4. Sedition Legislation	P22(2)	3	Articles 181 and 183 of the Penal Code refer to sedition, while according to Principle 22 (2), States shall repeal laws that criminalise sedition, insults and the publication of false news.
5, Arbitrary arrests and harassment of media, human rights defenders and citizens	P20(1) & (2)	3	In 2024, there were cases of arrests and convictions of journalists and activists. Activist Bah Diakhaté was prosecuted and convicted for spreading false news and insulting a person exercising all or part of the prerogatives of the President of the Republic. Preacher Cheikh Tidiane Ndao was also prosecuted on the same charges.
6. Data protection legislation.	P42	4	Data protection legislation has existed since 2008. A draft law has existed since 2019, which introduced major innovations, including the creation of a Personal Data Protection Authority (PDPA). Draft data strategy.

7. States intervene and demand the removal of online content by internet intermediaries	P38 and P39(4)	2	The Senegalese government had suspended the TikTok app to require content removals and to regulate the platform, including algorithm functionality and data protection, by requiring TikTok to sign an agreement to create an account deletion mechanism.
8. Breach of confidentiality of communications	P41	4	Senegal protects the privacy and confidentiality of communications through the Constitution and the Personal Data Protection Act.
9. The government's failure to proactively disclose and disseminate information about digital technologies.	P29(3)	4	The new government proactively discloses and disseminates information of public interest including functions, powers, structure, officials, decisions, budgets and expenditures as a form of transparency.
10. National strategies on AI and emerging technologies	P39(6)	3	Senegal has a draft National Strategy on Artificial Intelligence (AI) that complies with international human rights standards and law.
11. Lack of disclosure or proactive disclosure and dissemination of information on digital technologies by the government.	P29(3)	4	There is compliance with the proactive disclosure of information on digital technologies by the government.
12. Digital inclusion	P37(3)	4	The State of Senegal has adopted laws, policies and other measures to guarantee universal, equitable and affordable access to the Internet, without discrimination.
TOTAL (up to 60)		34	

Conclusion

In summary, Senegal's report on digital rights and inclusion concludes with a plea to strengthen digital rights, including the right to access the internet, and the right to information and freedom of expression. The report revealed that internet shutdowns can have negative consequences for users.

The report urges the further promotion of freedom of expression and the press by removing the offence of insulting the Head of State. The report calls on the media, social media platforms, activists, influencers and citizens to demonstrate greater ethics to avoid disseminating misinformation and spreading hate speech in public spaces.

Recommendations

Government

- Respect fundamental rights and freedoms following international norms and standards, to better guarantee freedom of expression, information, internet access, and participation in public affairs in the digital civic space through OpenGov and OpenData;
- Pass the 2019 Personal Data Protection Bill and the Access to Information Bill;
- Develop a specific law on artificial intelligence, under international standards;
- Involve digital ecosystem stakeholders more fully in the process of developing laws, regulations, and digital-focused strategies.

To the private sector

- Ensure that all citizens can benefit from free, high-quality, and high-speed internet, per the specifications.
- Based on the United Nations Standards on Corporate Responsibility concerning Human Rights, companies are required to “promote, respect, ensure respect, and protect human rights recognized under both international and domestic law.”

To civil society

- Strengthen their advocacy for the defence and protection of digital rights by ensuring the digital inclusion of all citizens and combating internet shutdowns.
- Partner with all stakeholders to promote citizen action in advocating against internet shutdowns.

