

# **Independent Reporting Mechanism**

Results Report:  
Senegal 2021-2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Executive Summary

**Senegal's first OGP action plan brought together the Senegalese open government community around concrete reforms. However, the action plan achieved limited completion and no notable results. The OGP host institution had limited ability to convene and fund OGP activities and faced co-ordination challenges with key partners, which delayed the start of implementation. Looking ahead, the Government of Senegal can consider how to best locate and formalize OGP to ensure action plans lead to results.**

### Early Results

None of Senegal's 12 commitments in its first OGP action plan yielded early results. Despite considered promising, commitments 1, 3, 4 and 9 on the access to information, the fight against corruption, transparency in the fisheries sector, and participatory budgeting saw only limited completion of some activities. For several commitments, draft bills were prepared and submitted to the government, without follow-up until the end of the implementation period. Other commitments were not implemented at all, due to a lack of consensus with the commitment holder.

Significant co-ordination challenges among key OGP actors limited implementation

progress. The Directorate for the Promotion of Good Governance (Direction de la promotion de la bonne gouvernance, DPBG) in the Ministry of Justice is responsible for Senegal's OGP process. DPBG cited limited human and financial resources as inhibiting the OGP process.<sup>1</sup> Senegal's main OGP funding partner, Program to Support Francophone Open Government (Programme d'Appui aux Gouvernements Ouverts Francophones, PAGOF) intended to provide support around commitment implementation, development of an OGP website, recruitment of consultants to support the OGP process, and support for participating civil society. However, co-ordination challenges between DPBG and PAGOF undermined these aims. An OGP Senegal National Technical Committee (NTC) member stated that PAGOF's lengthy administrative and financial procedures delayed disbursement.<sup>2</sup> A PAGOF representative stated that the lack of a government point of contact for OGP who understood their fiduciary procedures led to the co-ordination challenges.<sup>3</sup>

### Completion

Senegal's first action plan covered (i) transparency in public management and access to information; (ii) access to public services and the quality of services provided; and (iii) citizen participation. Most of the 12 commitments reached a limited level of completion. Indeed, implementation started for seven commitments, ranging from the drafting of texts to meetings and the physical realization of infrastructure. However, these actions are limited compared to the ambitions and milestones set at the beginning of the implementation. For the remaining five

## IMPLEMENTATION AT A GLANCE

### LEVEL OF COMPLETION

0/12

Complete or substantially complete commitments

### EARLY RESULTS

0/12

Commitments with early results

0/12

Commitments with significant early results

### COMPLIANCE WITH MINIMUM REQUIREMENTS

Acted according to OGP process.

commitments, the IRM found no evidence that implementation had started. This was caused by the institutional changes within the public administration, so that monitoring of implementation and ownership of the commitments by the commitment holders was inadequate.<sup>4</sup> Given the limited results, Senegal will pursue most of the relevant commitments in the next action plan.

### **Participation and Co-Creation**

The Directorate for the Promotion of Good Governance co-chairs the National Technical Committee alongside civil society organization Article-19. Together they steered the co-creation of Senegal's first OGP action plan<sup>5</sup>, with public consultations with citizens in the country's 13 regions. Senegal's first co-creation process was participatory and resulted in 12 modestly ambitious commitments. However, given that the OGP process was new to Senegal, many participants lacked sufficient knowledge of the process or open government to meaningfully participate in commitment design.

Civil society noted that online and social media channels would enable participation of those who cannot attend in-person consultations.<sup>6</sup> Social media is the dominant means Senegalese people use to follow current events and consider it key to engaging in political processes.<sup>7</sup> Since September 2023, Senegal OGP has had a Facebook page and a Google Drive folder.<sup>8</sup> Maintaining these platforms and creating channels for online consultations are opportunities to strengthen Senegal's OGP process. Participation weakened during implementation, with the formal implementation launch taking place just six months before the end of the action plan period.

### **Implementation in context**

Implementation of Senegal's first action plan corresponded with a political crisis surrounding national elections. Demonstrations and clashes broke out following the arrest in March 2021 of the opposition leader, who was charged with disturbing the peace and taking part in an unauthorized demonstration.<sup>9</sup> In July 2022, the opposition called for further demonstrations in the run-up to the legislative elections, to protest against the invalidation of the main alliance's national list. The demonstration, banned by the government, led to clashes between police and demonstrators, resulting in at least three victims and the arrest of opposition leaders. In June 2023, unrest—described as the worst in years—erupted after opposition politician Ousmane Sonko was sentenced to two years' imprisonment. The announcement of the sentence triggered violence that officially left 16 people dead.<sup>10</sup>

According to a civil society representative<sup>11</sup>, this crisis had a negative impact on the completion of the commitments, as it led to restrictions on civic space and reduced the government's willingness to engage with both governance reforms and civil society. Senegalese authorities suspended Internet access via mobile data in June<sup>12</sup> and July<sup>13</sup> 2023. Amnesty International consequently raised concerns around "restrictions on the right to freedom of expression and information."<sup>14</sup> At the time of writing, CIVICUS civic space tracker rated Senegal as "repressed."<sup>15</sup> Legislative elections also brought about institutional changes that slowed down implementation, with changes in both NTC members and commitment holders. Despite several ministerial reshuffles between 2022 and 2023, the Minister of Justice, the OGP's focal point, remained throughout the action plan cycle.

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<sup>1</sup> Arona Sarr, Director for Promotion of Good Governance, OGP Point of Contact, Ministry of Justice, interviewed by the IRM researcher by WhatsApp call and email on October 25, 2023.

<sup>2</sup> Anonymous National Technical Committee civil society representative, interviewed by WhatsApp call by the IRM researcher, January 2024.

<sup>3</sup> Anonymous PAGOF representative, interviewed by WhatsApp call and email by the IRM researcher, January 2024.

<sup>4</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP Multi-stakeholder Forum (MSF) Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>5</sup> Arona Sarr, Director for Promotion of Good Governance, OGP Point of Contact, Ministry of Justice interviewed by the IRM researcher by WhatsApp call and email on October 25, 2023 & Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>6</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>7</sup> Afrobarometer is a pan-African, non-partisan survey research network that produces reliable data on Africans' experiences and perceptions of democracy, governance and quality of life. Seven rounds of surveys were carried out in 38 countries between 1999 and 2018. Round 8 surveys in 2019/2021 are planned for at least 35 countries. As part of these surveys, Afrobarometer conducts face-to-face interviews in the respondent's language with nationally representative samples.

<sup>8</sup> Open Government Partnership Senegal. Facebook page.

[https://www.facebook.com/profile.php?id=61551495163279&\\_rdc=1&\\_rdr;](https://www.facebook.com/profile.php?id=61551495163279&_rdc=1&_rdr;)

[https://drive.google.com/drive/u/0/folders/1\\_PqF2HqZB6MUihJL9fGGDzSNbffyGbd](https://drive.google.com/drive/u/0/folders/1_PqF2HqZB6MUihJL9fGGDzSNbffyGbd)

<sup>9</sup> Senegal will never forget March 2021. Amnesty International. 3 March 2022.

<https://www.amnesty.org/fr/latest/campaigns/2022/03/senegal-noublie-pas-mars-2021/>

<sup>10</sup> « Sénégal : 23 morts selon Amnesty International, qui réclame une enquête. » TV5 Monde. 9 June 2023.

<https://information.tv5monde.com/afrique/senegal-23-morts-selon-amnesty-international-qui-reclame-une-enquete-2646005#>

<sup>11</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>12</sup> "Sénégal: coupure d'internet après l'arrestation de Sonko, vers de nouvelles manifestations ? » 31 July 2023. La Nouvelle Tribune. <https://lanouvelletribune.info/2023/07/senegal-coupure-dinternet-apres-larrestation-de-sonko-vers-de-nouvelles-manifestations/>

<sup>13</sup> "Les coupures d'Internet au Sénégal menacent les entreprises." NewAfrican. 6 June 2023.

<https://magazedelafrique.com/african-business/les-coupures-dinternet-au-senegal-menacent-les-entreprises/>

<sup>14</sup> Amnesty International statement quoted by NewAfrican magazine, <https://magazedelafrique.com/african-business/les-coupures-dinternet-au-senegal-menacent-les-entreprises/>

<sup>15</sup> CIVICUS civic space monitor. <https://monitor.civicus.org/country/senegal/>. Accessed: January 11, 2024.

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## Section I: Key Observations

Senegal's first OGP action plan failed to achieve its objective of strengthening governance and public services. Significant obstacles to implementation included co-ordination challenges among key actors and a lack of formalization of the OGP process. Most commitments are continued in Senegal's second action plan. Consequently, the key observations below offer lessons for Senegal to successfully advance its open government aims.

### **Observation 1: The DPBG's co-ordination and resource challenges inhibited its ability to effectively facilitate the OGP process in Senegal.**

Co-ordination of OGP processes in Senegal falls under the Directorate for the Promotion of Good Governance's (DPBG) mandate to implement the National Strategy for Good Governance. However, DPBG highlighted a lack of financial resources to co-ordinate implementation of the OGP action plan.<sup>1</sup> A civil society member of the National Technical Committee added that the Ministry of Justice is encountering difficulties in co-ordinating the OGP process, although they acknowledged that DPBG are doing what they can to move things forward.<sup>2</sup> The action plan's delayed official launch, only six months before the end of the implementation period, was one such consequence of the co-ordination challenges.<sup>3</sup>

Representatives from PAGOF specifically noted co-ordination challenges with the OGP point of contact in DPBG.<sup>4</sup> This has presented an obstacle for these organizations to provide technical and financial support to Senegal's OGP reforms. Implementing agencies' lack of ownership and engagement across several commitments indicates that co-ordination challenges extend to both national and international partners. Commitment holders were only brought into the OGP process once commitments had been confirmed. They therefore lacked understanding of the process and purpose of the action plan as well as a sense of responsibility for implementation.<sup>5</sup>

The Government of Senegal's productive membership of the Extractive Industries Transparency Initiative (EITI) demonstrates the benefits of a co-ordinating government body with the sufficient mandate and resources to convene stakeholders and advance reforms. Senegal's EITI multi-stakeholder group is chaired by the Minister of State and backed by official decree.<sup>6</sup> Senegal has achieved a "very high" ranking in extractives sector transparency over the last decade and hosted the 2023 EITI Global Conference.<sup>7</sup> Ensuring that OGP is co-ordinated by a government body with the appropriate convening powers, resources, and motivation will be essential to the successful implementation of Senegal's second action plan.

### **Observation 2: A lack of formalization of the National Technical Committee and the OGP process in general contributed to limited engagement by key implementing agencies.**

Positively, the Government of Senegal has established a National Technical Committee (NTC) with equal numbers of government and civil society representatives to oversee the OGP process. However, not all commitment implementers were represented on the NTC. Representation of all implementing agencies on the committee could facilitate a greater sense of ownership and accountability. Moreover, the lack of a decree formalizing the committee has limited the ability of the Ministry of Justice to mobilize members and finance meetings.<sup>8</sup> The committee has drafted a

decree to formalize its creation, composition, and mandate. Adoption of this decree could further institutionalize Senegal's OGP process and support higher levels of implementation.

Beyond formalizing the NTC, there are several opportunities for the Government of Senegal to signal high-level support for open government and ensure progress. In Côte d'Ivoire, the OGP Technical Committee reports to an Inter-Ministerial Committee, chaired by the Head of Government.<sup>9</sup> An inter-ministerial committee in Senegal, chaired by a high-level official, could demonstrate the government's commitment and hold implementing agencies to account. Additionally, the Senegalese Government did not officially validate the action plan. Adoption of the next action plan by Senegal's Council of Ministers could assert government support and facilitate implementation. In Côte d'Ivoire, the action plan is presented and validated by the Council of Ministers, facilitating the involvement of stakeholders around common objectives.<sup>10</sup>

**Observation 3: Senegal's OGP process does not currently take full advantage of a civil society community dedicated to open government.**

Civil society has been a driving force for Senegal's OGP membership and co-chairs the National Technical Committee. Yet there remains opportunity to capitalize on civil society's interest in open government reforms, particularly during implementation. For example, the NTC's finalization of the draft civil society charter<sup>11</sup> could improve civil society participation in the OGP process. As co-chair, Article-19 could mobilize civil society around monitoring implementation. Given that OGP Senegal has provided for the creation of committees to monitor implementation, the NTC could empower civil society to become leaders of these monitoring committees.

Civil society's advocacy to strengthen the National Office against Fraud and Corruption (l'Office national de lutte contre la fraude et la corruption, OFNAC) demonstrates the benefits of close collaboration with civil society during implementation. The co-ordinator of the organization Forum Civil maintained that civil society organizations had "carried the advocacy through declarations, through meetings with the authorities, through working sessions with the National Office against Fraud and Corruption at the operational level, but also at the strategic level".<sup>12</sup> The Council of Ministers consequently adopted the draft laws on strengthening OFNAC and the declaration of assets. The government has committed to the final adoption and implementation of these laws under the second action plan. Civil society also continues to advocate the collaborative development and adoption of a strong access to information law. This commitment is continued in the second action plan, as little progress was made under the first.

**Observation 4: Close and collaborative monitoring could aid stronger implementation of the next action plan.**

Senegal's action plan called for the creation of Sectoral Technical Committees (STCs) to facilitate and monitor implementation of each commitment. It was foreseen that these committees would be created in 2023 and meet at least every two months. The STCs were not established during the action plan period and so monitoring across commitments fell to the National Technical Committee. The National Technical Committee notes that STCs will be established to monitor implementation of the second action plan. The STCs will document and share implementation progress with the National Technical Committee following each meeting.<sup>13</sup> Beyond operationalizing the STCs, Senegal could consider:

- **Drafting annual commitment work plans:** Commitment implementers could work with civil society and other partners to draft annual work plans with detailed targets, timelines, and required resources. The drafting process could be used to strengthen implementers' understanding and ownership of their respective commitments.
- **Meeting regularly with commitment holders:** In addition to the monitoring carried out by the STCs, NTC could consider scheduled outings to meet commitment holders individually to help them understand their role in implementation, their obligations and the possibilities for interaction with NTC. This would also be an opportunity to raise their awareness of OGP and the value of their open government efforts.

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<sup>1</sup> Arona Sarr, Director for Promotion of Good Governance, OGP Point of Contact, Ministry of Justice, interviewed by the IRM researcher by WhatsApp call and email on October 25, 2023.

<sup>2</sup> Anonymous Civil society member, interviewed by WhatsApp call by the IRM researcher during results reporting period.

<sup>3</sup> « CEREMONIE DE LANCEMENT DU PLAN D'ACTION NATIONAL 2022-2023 DU PARTENARIAT POUR UN GOUVERNEMENT OUVERT » Actusenews. 11 June 2024. <https://actusenews.com/ceremonie-de-lancement-du-plan-daction-national-2022-2023-du-partenariat-pour-un-gouvernement-ouvert-pgo-senegal/>

<sup>4</sup> Anonymous PAGOF representative, interviewed by WhatsApp call and email by IRM researcher, January 2024.

<sup>5</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>6</sup> Extractive Industry Transparency Initiative. Multistakeholder Group. Decree to Nominate EITI National Committee Members. <https://itie.sn/groupe-multipartite/>.

<sup>7</sup> Extractive Industry Transparency Initiative. Senegal. <https://eiti.org/countries/senegal>

<sup>8</sup> Idem.

<sup>9</sup> Government of Senegal OGP Website. Documentation. <https://ogp.gouv.ci/documentation>

<sup>10</sup> See Preface to the Action Plan by the OGP Focal Point Minister <https://ogp.gouv.ci/documentation/>

<sup>11</sup> The charter that civil society is currently drawing up is a document that will set out the rules of conduct for civil society participation in the OGP process. These include, among other things, the choice of representatives in the OGP committees and the principle of membership of the civil society platform.

<sup>12</sup> “Sénégal: Birahim Seck, coordonnateur du forum civil, sur le projet de loi de l'OFNAC en gestation - «Sur le principe, nous magnifions, en attendant...» AllAfrica. 25 November 2023. <https://fr.allafrica.com/stories/202311260005.html>

<sup>13</sup> Comments shared with the IRM by the Senegal OGP National Technical Committee during the prepublication review period, April 2024.



## Section II: Implementation and Early Results

The following section typically looks at the commitments or clusters that the IRM identified as having the strongest results from implementation. Senegal's first OGP action plan did not achieve notable early results. The institutional and contextual factors that limited implementation are addressed in the Key Observations section above. This section therefore looks at the progress and obstacles of the four commitments (1, 3, 4 and 9) the IRM initially identified as most promising in the Action Plan Review.

Commitment 1 promised to pass a national access to information law. The existence of an access to information law is an important component of OGP's membership eligibility requirements.<sup>1</sup> The Government of Senegal has had a draft access to information law for five years. An initial version of the law was drafted by a multi-stakeholder steering committee and based on the African Union model access to information law.<sup>2</sup> However, civil society has raised concerns with the latest version of the draft that was undergoing judicial review at the time of writing. A civil society coalition collectively expressed their concerns that the latest draft was not shared with sufficient time for civil society input. Additionally, they highlighted that this version does not align with international standards and includes vague and broad provisions for exemptions under the law.<sup>3</sup> Moreover, some organizations have stated that there is resistance as government sees the law as "a desire to undermine the stability of administrations by putting them at risk" through the disclosure of sensitive information.<sup>4</sup> This commitment has been continued in Senegal's second action plan, under the Directorate for the Promotion of Good Governance.

Commitment 3 sought to strengthen the legal framework for anticorruption efforts. Following civil society advocacy, two laws were approved by the Council of Ministers and submitted to the National Assembly at the end of December 2023 and were awaiting a vote at the time of writing.<sup>5</sup> These laws aim to strengthen the powers of the National Office against Fraud and Corruption, to ensure that investigative files forwarded to the competent judicial authorities were acted on, and to make the declaration of assets effective for all those subject to the law. While this progress was positive, it was made after the implementation period and therefore falls outside the IRM assessment. Finalization and implementation of these laws is foreseen in the next action plan. The third bill foreseen under the action plan to protect whistleblowers did not make progress during the implementation period. However, President of Senegal Bassirou Diomaye Diakhar Faye highlighted the adoption of this bill as an immediate aim under his new administration.<sup>6</sup>

On commitment 4, Senegal's process to join the Fisheries Transparency Initiative (FiTI) remains stalled.<sup>7</sup> While the commitment holder from the Ministry of Fisheries<sup>8</sup> could not identify what was blocking progress, FiTI states that the absence of a formal decree has delayed establishment of institutions and processes necessary for Senegal's accession to FiTI.<sup>9</sup> According to the FiTI Regional Co-ordinator<sup>10</sup> for West Africa, a lack of commitment of the Fisheries Minister to pursue the membership process and the reluctance of the Ministry of Justice to assume institutional responsibility for the commitment, considered to be a natural competence of the Ministry of Fisheries, inhibited progress. DPBG reports that letters signed by the Minister of Justice were sent to the Ministry of Fisheries to urge progress on FiTI membership.<sup>11</sup> The Ministry of Fisheries shows reluctance to publish information they consider to be sensitive, such as registered fishing vessels and their owners. The FiTI Regional Co-ordinator believes that clear support from the highest levels of government is required to restart efforts. An FiTI action plan has been drawn up but has not

been funded.<sup>12</sup> A copy of the action plan was not made available to the IRM. Reportedly, a FiTI focal point has been appointed, who is working to anchor the process officially. Senegal has repeated this commitment in the second OGP action plan.

Representatives from the Local Authorities Department confirm that commitment 9 on participatory budgeting was not started. They highlighted a disconnect between the commitment's design and their department's aims. They consider that the activities they have proposed as part of the promotion of the participatory budget were not taken into account in the final wording of the commitment. In this way, the commitment holder did not follow the path mapped out by the action plan but continued separately to monitor the experimentation of participatory budgeting by local authorities as part of another program financed by external partners.<sup>13</sup>

Regarding remaining commitments, in some cases insufficient evidence was available to determine progress (5 and 12) or implementation was too minimal to yield results. In other instances, some implementation progress was made but the activities did not have a connection to open government (commitments 5, 7 and 8). Likewise, commitment 10 promised to train and work towards the participation of women and youth in politics, but the listed activities did not directly create opportunities for civic participation in government decision-making. Otherwise, a lack of clarity in commitment meant the assessment of progress and results was a challenge (2, 11, and 12).

To improve implementation of the second action plan, the IRM recommends that Senegal take the necessary steps to:

- **Fully involve commitment holders:** Following public consultations, potential commitment holders can be identified and involved in drawing up and validating commitments. Technical monitoring committees could also be set up with all commitment holders to ensure regular monitoring and establish a system of ongoing dialogue between commitment holders, the administration and civil society. NTC can also organize individual visits to commitment holders to hear their concerns and see how completion is progressing.
- **Garner the formal support of the government:** The adoption of the action plan by the Council of Ministers would enable the government to take greater responsibility for the commitments made, and in particular to facilitate their implementation by making adequate financial resources available.
- **Involve civil society to a greater extent:** Civil society members would like to be more involved in the implementation of commitments and consider that they do not have sufficient visibility of some commitment holders' activities. Greater civil society involvement could be an asset for the successful implementation of commitments, given the interest they show in the OGP process and their proximity to citizens.

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<sup>1</sup> Open Government Partnership. Eligibility Criteria. <https://www.opengovpartnership.org/process/joining-ogp/eligibility-criteria/>

<sup>2</sup> Comments shared with the IRM by the Senegal OGP National Technical Committee during the prepublication review period. April 2024.

<sup>3</sup> "Civil society organisations call on Macky Sall to have the draft law on access to information adopted." Agence de Press Senegalaise. 11 November 2023. <https://aps.sn/des-organisations-de-la-societe-civile-invitent-macky-sall-a-faire-adopter-le-projet-de-loi-dacces-a-linformation/>; Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

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<sup>4</sup> “Civil society organisations call on Macky Sall to have the draft law on access to information adopted.” Agence de Press Senegalaise. 11 November 2023. <https://aps.sn/des-organisations-de-la-societe-civile-invitent-macky-sall-a-faire-adopter-le-projet-de-loi-dacces-a-linformation/>

<sup>5</sup> “Notable Changes at OFNAC » Senepus. 2023. <https://www.seneplus.com/politique/des-changements-notoires-lofnac>

<sup>6</sup> “CSOs in Sénégal Welcome Bill to Protect Whistleblowers.” 2024. West Africa Democracy Radio. <https://wadr.org/interview-csos-in-senegal-welcome-bill-to-protect-whistleblowers/>

<sup>7</sup> “FiTI International Board urges national authorities in Senegal to complete FiTI sign-up steps.” 2022. <https://fiti.global/fiti-international-board-urges-senegal-authorities-to-complete-signupsteps>

<sup>8</sup> Mr Diouf, Head of the artisanal fishing division, Directorate of Maritime Fisheries, Ministry of Fisheries, interviewed by the IRM researcher by WhatsApp call on October 31, 2023.

<sup>9</sup> “FiTI International Board urges national authorities in Senegal to complete FiTI sign-up steps.” 2022. <https://fiti.global/fiti-international-board-urges-senegal-authorities-to-complete-signupsteps>

<sup>10</sup> Mansor Ndour, Regional Co-ordinator for West Africa, Fisheries Transparency Initiative, interviewed by the IRM researcher by email on January 9, 2024.

<sup>11</sup> Comments shared with the IRM by the Senegal OGP National Technical Committee during the prepublication review period, April 2024.

<sup>12</sup> Mr Diouf, Head of the artisanal fishing division, Directorate of Maritime Fisheries, Ministry of Fisheries, interviewed by the IRM researcher by WhatsApp call on October 31, 2023.

<sup>13</sup> Ms Fatou Camara, Director of Local Authorities and Mr Yero Farba Sy, Head of Research, Local Authorities Department, interviewed by the IRM researcher by WhatsApp call on November 02, 2023.

## Section III. Participation and Co-Creation

**The government and civil society undertook a participatory co-creation process to develop Senegal's first OGP action plan. However, collaboration waned during implementation, in part, due to a wider political crisis and obstacles to collaboration between key partners. Adoption of the draft decree to formalize the National Technical Committee, finalization of a charter for civil society participation, and maintenance of a Facebook page<sup>1</sup> and Google Drive folder<sup>2</sup> could strengthen Senegal's OGP process.**

Senegal's OGP process is overseen by the Ministry of Justice, specifically the Directorate for the Promotion of Good Governance, since the country joined in 2018. DPBG and civil society cited the Directorate's limited resources for organizing activities and convening stakeholders, particularly other government institutions, as central co-creation challenges.<sup>3</sup> DPBG states that they continue to advocate within government for the allocation of funding for OGP activities.<sup>4</sup> Key partners, such as PAGOF, noted challenges in communicating and co-ordinating with DPBG, particularly around fiduciary procedures.<sup>5</sup> Consequently, DPBG struggled to effectively co-ordinate implementers and partners, contributing to limited implementation of the action plan.

The Directorate co-ordinates the activities of the National Technical Committee, Senegal's technical OGP body. NTC is an informal committee made up of nine members from the administration and nine from civil society, who co-chair the committee. A draft decree on the creation, composition and operation of NTC was drawn up in November 2023 and was undergoing validation at the time of writing. The formalization of the committee could help to address, notably, the lack of financial resources. The civil society NTC co-chair stated that some administration's NTC representatives have changed due to institutional turnover, which presented a challenge with ownership of the OGP process.<sup>6</sup>

Civil society has been actively involved from the outset of the process, beginning with Senegal's accession to OGP.<sup>7</sup> The composition of NTC, according to civil society, is not representative of the main civil society organizations. They are working to mobilize more organizations and renew the membership of the committee. A charter for civil society participation in OGP is currently being drawn up and was expected to be available by the end of November 2023. The civil society co-chair believes that this charter would enable its representatives on the committee to be chosen fairly and transparently, and at the same time address muted enthusiasm among its members. Nevertheless, some members show a particular interest in OGP and are active in all its meetings and activities, often initiating many of them. However, a civil society member<sup>8</sup> states that they have not been sufficiently involved in the implementation of the action plan. For example, with regard to the adoption of a law on access to information (commitment 1), civil society feels that the process was not inclusive, as it did not have enough time to comment on the drafts.

Similarly, there was a lack of synergy between the commitment holders, the administration and civil society. A civil society representative expressed<sup>9</sup> that they have not been sufficiently involved in the implementation of certain commitments, despite the initiatives they have taken to implement others. Some commitment holders<sup>10</sup> expressed that they did not contribute enough to the wording of the commitments, and their comments were not considered in the finalization of the commitments. Implementing agencies' lack of ownership over commitments was a key factor that ultimately limited implementation progress. The National Technical Committee states that an

awareness tour was carried out to sensitize commitment holders to their responsibilities. The Committee also stated that letters signed by the Minister of Justice were sent to remind relevant officials of the commitments.<sup>11</sup>

Two obstacles to co-creation highlighted were the lack of online consultation noted by civil society during the review of the action plan, and the non-formalization of the NTC, which meant that insufficient financial and human resources were available to carry out the activities. Similarly, there remains a considerable challenge in raising awareness of open government among stakeholders, including those who are responsible for implementation.

At the time of writing, Senegalese reformers had begun to co-create the second action plan. The process already shows an improvement from the first action plan cycle. However, co-creation began in October 2023 which left a short window to finalize the second action plan before the 31 December 2023 deadline. At the end of October 2023, the stakeholders on the National Technical Committee drew up an inclusive roadmap for the co-creation of second action plan. Civil society<sup>12</sup> acknowledges having been significantly involved in the preparation, orientation and content of the public consultations. Public consultations were held from November 2 to 17 in all 14 regions of Senegal.<sup>13</sup> Teams leading public consultation missions included at least one member of the administration and one from civil society.<sup>14</sup>

### Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.<sup>15</sup> During co-creation, Senegal acted according to the OGP process. The two minimum requirements listed below must achieve at least the level of ‘in progress’ for a country to have acted according to OGP process.

Key:

Green = Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan. <sup>16</sup>	Yellow
The government provided the public with information on the action plan during the implementation period <sup>17</sup> .	Green

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<sup>1</sup> Open Government Partnership Senegal. Facebook Page.

<https://www.facebook.com/profile.php?id=61551495163279&mibextid=LQQJ4d>

<sup>2</sup> Senegal Open Government Partnership. Google Drive repository.

[https://drive.google.com/drive/u/0/folders/1\\_PqF2HqZB6MUihJl9fGGDzSNbffyGbd](https://drive.google.com/drive/u/0/folders/1_PqF2HqZB6MUihJl9fGGDzSNbffyGbd)

<sup>3</sup> Arona Sarr, Director for Promotion of Good Governance, OGP Point of Contact, Ministry of Justice, interviewed by the IRM researcher by WhatsApp call and email on October 25, 2023; Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>4</sup> Comments shared with IRM by the Senegal OGP National Technical Committee during the prepublication review period. April 2024.

<sup>5</sup> Anonymous PAGOF representative, interviewed by WhatsApp call and email by IRM researcher, January 2024; Mansor Ndour, Regional Co-ordinator for West Africa, Fisheries Transparency Initiative, interviewed by the IRM researcher by email on January 9, 2024.

<sup>6</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>7</sup> Idem.

<sup>8</sup> Mr Abdouramane Cisse, Representative of the National Youth Council of Senegal on OGP-NTC, interviewed by the IRM researcher by WhatsApp call on December 2, 2023.

<sup>9</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>10</sup> Ms Fatou Camara, Director of Local Authorities and Mr Yero Farba Sy, Head of Research, Local Authorities Department, interviewed by the IRM researcher by WhatsApp call on November 2, 2023.

<sup>11</sup> Comments shared with the IRM by the Senegal OGP National Technical Committee during the prepublication review period. April 2024.

<sup>12</sup> Idem.

<sup>13</sup> Ms Aida Mbaye, Head of the Institutional Governance Division, Directorate for Promotion of Good Governance, Ministry of Justice, interviewed by the IRM researcher by WhatsApp call and email on November 3, 2023.

<sup>14</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>15</sup> Please note that any future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on January 1, 2022: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

<sup>16</sup> Senegal Open Government Partnership. Google Drive repository and Facebook Page.

[https://drive.google.com/drive/u/0/folders/1\\_PqF2HqZB6MUihJl9fGGDzSNbffyGbd](https://drive.google.com/drive/u/0/folders/1_PqF2HqZB6MUihJl9fGGDzSNbffyGbd);

<https://www.facebook.com/profile.php?id=61551495163279&mibextid=LQQJ4d>

<sup>17</sup> See OGP Senegal Facebook page: <https://www.facebook.com/profile.php?id=61551495163279&mibextid=LQQJ4d>

## Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.<sup>1</sup>

### Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.<sup>2</sup> The level of completion for all commitments is assessed as one of the following:

- *No Evidence Available*
- *Not Started*
- *Limited*
- *Substantial*
- *Complete*

### Early Results

The IRM assesses the level of results achieved from the implementation of commitments that have a clear open government lens, a high level of completion or show evidence of achieving early results (as defined below). It considers the expected aim of the commitment prior to its implementation, the specific country context in which the commitment was implemented, the specific policy area and the changes reported.

The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector,
  - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector, or
  - enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to significant

positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:

- improving practices, policies or institutions governing a policy area or within the public sector, or
- enhancing the enabling environment to build trust between citizens and the state.

Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with Aimé Sawadogo and was reviewed by Brendan Halloran IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP).<sup>3</sup> This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>4</sup> and in Senegal's 2021-2023 Action Plan Review. For more information, refer to the "IRM Overview" section of the OGP website.<sup>5</sup> A glossary on IRM and OGP terms is available on the OGP website.<sup>6</sup>

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<sup>1</sup> Senegal OGP Repository. Date accessed: November 2023:

[https://drive.google.com/drive/u/0/folders/1\\_PqF2HqZB6MUihJl9fGGDzSNbffyGbd](https://drive.google.com/drive/u/0/folders/1_PqF2HqZB6MUihJl9fGGDzSNbffyGbd)

<sup>2</sup> IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, IRM assesses "potential for results" and "Early Results" at the cluster level. The level of completion is assessed at the commitment level. For more information on how IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

<sup>3</sup> International Experts Panel. Open Government Partnership. <https://www.opengovpartnership.org/about/who-we-are/international-experts-panel/>

<sup>4</sup> Independent Reporting Mechanism, *IRM Procedures Manual*, V.3, September 16, 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>5</sup> Open Government Partnership, *IRM Overview* <https://www.opengovpartnership.org/irm-guidance-overview/>

<sup>6</sup> Open Government Partnership, *OGP Glossary*, <https://www.opengovpartnership.org/glossary/>



## Annex I. Commitment Data<sup>1</sup>

### Commitment 1: Adopting the Access to Information Act and its subsequent legislation

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>● <b>Verifiable:</b> Yes</li> <li>● <b>Does it have an open government lens?</b> Yes</li> <li>● <b>Potential for results:</b> Substantial</li> </ul> | <ul style="list-style-type: none"> <li>● <b>Completion:</b> Limited</li> <li>● <b>Early results:</b> No Notable Results</li> </ul> |
|---|--|

The main objective of this commitment was to pass the Access to Information Act and its subsequent legislation. This consisted of (i) specifying the scope of the right of access to information and the procedures for its implementation; (ii) providing citizens with administrative and judicial remedies to enforce this right; (iii) establishing an independent administrative authority to promote and protect the right of access to information.

Senegal's draft access to information law has been pending for the last five years. An initial draft was developed by a steering committee with government and non-government members and modeled on the African Union model access to information law. However, members of civil society expressed concerns regarding the version of the draft law that underwent judicial review. Civil society noted that this version differed from the initial draft, that it is not in line with international standards, and may not open up access to information. In a letter<sup>2</sup> published in the media, eleven civil society organizations, including Article-19, the Forum Civil, the NGO 3D, Afrikajom Center and the Senegalese League for Human Rights, denounced the non-inclusive nature of the drafting process, which they claim has been dragging on for over fifteen years. They point out that "the latest draft of the Access to Information Act was sent to the civil society members and introduced into the circuit well before the deadline for their comments had passed. As a result, the numerous observations made by civil society were never taken into account in this new process"<sup>3</sup>. They also raised concerns that the Directorate for the Promotion of Good Governance did not share the final version of the text at the end of the workshop organized in May 2023 in Sally, Senegal.

### Commitment 2: Strengthening Budget Transparency Mechanisms

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>● <b>Verifiable:</b> Yes</li> <li>● <b>Does it have an open government lens?</b> Yes</li> <li>● <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>● <b>Completion:</b> Limited</li> <li>● <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The objective of this commitment was to improve transparency in the management of public finances, in particular through public participation in the budgetary process, the strengthening of budgetary control and citizen access to budgetary information. In this respect, the aim was to: (i) revitalize the Multi-Stakeholder Budget Monitoring Framework (Cadre multi-acteurs de suivi budgétaire, CMSB), created by Order No. 065-88 of April 27, 2016 of the Minister in charge of promoting good governance and (ii) sensitize citizens on accountability as well as on the mechanisms for preparing, executing and monitoring the budget.

DPBG, with support from US International Development Agency, established five regional governance cells in Saint-Louis, Fatick, Kédougou, Sédhiou, and Dakar. These cells were officially launched in June 2023 and based on existing Local Budget Monitoring Groups (Groupes Locaux de Suivi Budgétaire). This initiative was a revitalization of regional governance cells established in 2013 that did not become operational. Monitoring budget processes was identified as a main objective within these cells’ mandate to promote good governance. A series of workshops were held to build civil society members’ knowledge of key budget documents and approaches to budget monitoring. However, most of these activities took place after the implementation period, which ended on 30 August 2023.<sup>4</sup>

On 23 August 2022, the General Budget Directorate shared the multi-year budget and planning document (2023-2025) (document de budget et de planification pluriannuel, DPBEP) with civil society. The Directorate solicited input from civil society on how to strengthen opportunities for their participation in the budget process and budget transparency. Budget documents were further disseminated and discussed through a series of workshops for civil society in October and November 2023, and January 2024. These workshops covered the sociocultural and economic rights (droits socioculturels et économiques, DESC), DPBEP, and tools and approaches to monitor budget processes. Feedback from workshops resulted in recommendations communicated to the government, such as involving civil society throughout the DPBEP development and implementation process and improving budget transparency.<sup>5</sup>

Early results were not observable as most activities took place just before or after the implementation period.

**Commitment 3: Strengthening the powers of the National Office against Fraud and Corruption (OFNAC)**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Substantial</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|--|

This commitment aimed to strengthen Senegal’s anticorruption laws and institutions. It sought to amend laws to establish the National Office Against Fraud and Corruption, to pass a law to protect whistleblowers, witnesses, and victims of corruption, revise the law on the declaration of assets, and to disseminate the national anticorruption strategy.

After the end of the implementation period, the Council of Ministers on November 22, 2023 passed a bill amending law no. 2012 - 30 creating the National Office against Fraud and Corruption. The Council also passed a bill amending law no. 2014 - 17 on November 4 on the declaration of assets.<sup>6</sup> At the time of writing, the draft texts were not publicly available had had not yet been passed into law by the National Assembly.<sup>7</sup> The draft bills went to the National Assembly in December 2023.

The third bill foreseen under the action plan to protect whistleblowers did not make progress during the implementation period. However, President of Senegal Bassirou Diomaye Diakhary highlighted the adoption of this bill as an immediate aim under his new administration.<sup>8</sup>

**Commitment 4: Commitment to the Fisheries Transparency Initiative (FiTI)**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b><br/>Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Not Started</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The main objective under this commitment was for Senegal to join the Fisheries Transparency Initiative, with a view to strengthening the governance of the fisheries sector. In this respect, it was planned to: (i) set up a system for collecting, processing and publishing data concerning the sector and (ii) strengthen dialogue between the various stakeholders in order to improve transparency and the participation of actors in fisheries governance.

Senegal has not made concrete progress towards FiTI membership. The commitment holder, the Head of the Artisanal Fishing Division, states that there is a blockage in the system but could not identify it. He reported that a FiTI action plan was drafted but not financed. The IRM researcher did not receive a copy of the action plan despite requests. Reportedly, a focal point has been appointed and is working to officially anchor the process.<sup>9</sup> As there is no documented evidence of progress, this commitment is assessed as “not started.”

In October 2022, FiTI stated that the “key obstacle in moving Senegal forward remains the pending legal decree for the FiTI, which needs to be issued either by the President of Senegal, the Prime Minister or an appointed senior government official. This decree, seen as essential, would provide a legal framework for the FiTI and appoint the FiTI Lead Ministry within the government. Afterwards, the country must establish its National Multi-Stakeholder Group (comprising of representatives from Senegal’s government, industrial and artisanal fisheries, and civil society organizations), appoint a National Secretariat to provide operational assistance to the group and determine its workplan. All these steps are required before the country can submit its official Candidate Country application to the FiTI International Board.”<sup>10</sup>

The FiTI Regional Co-ordinator for West Africa states the main problem encountered by FiTI was that the Ministry of Fisheries did not provide institutional support for the reform. The Ministry of Justice was reluctant to assume institutional responsibility for the commitment, which is considered to fall within the Ministry of Fisheries’ mandate. The Regional Co-ordinator considers that, like EITI, FiTI should be housed at the Presidency or the Prime Minister’s Office to avoid blockages within the fisheries administration. The Minister of Justice could lead high-level advocacy in this direction.<sup>11</sup>

**Commitment 5: Improving the Reception of Public Service Users**

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|---|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b><br/>Yes</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> No Evidence Available</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|--|

The main objective of this commitment was to improve the quality of reception for public service users. Specifically, this involves: (i) developing a national policy for welcoming public service

users; (i) setting up reception and guidance desks in various ministries, institutions and agencies and (iii) developing a genuine culture of customer care among public service employees.

This commitment was part of the government’s ongoing Administration Modernization Support Program, launched in August 2019. Since February 2020, the Ministry for the Civil Service and Public Service Renewal has introduced public services relay offices across regions.<sup>12</sup> However, no evidence was provided as to whether the commitment’s milestones were implemented. The IRM researcher did not receive a response to several attempts to contact the commitment holder for information during the research process.<sup>13</sup> A civil society representative<sup>14</sup> noted that implementation of the commitment has not taken the desired direction, as the resources required for implementation have not been available.

**Commitment 6: Dematerializing Ten Administrative Procedures**

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|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b><br/>Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The main objective of this commitment was to improve the efficiency of the Administration in its operations and in the quality of the public service provided to users. More specifically, it aimed to: (i) provide users with decentralized interfaces for a better access to information and (ii) contribute to a better management of the State's archives, including the permanent conservation of data with high value (legal, strategic and/or patrimonial).

Despite delays, some progress was made towards digitalizing commonly used government services.<sup>15</sup> A report by consultancy Senegal Numerique notes modest progress towards digitalizing four of the ten services identified under this commitment. Other services were digitalized during the implementation period and made available on the site teledac.sec.gouv.sn. Examples of digitalized services include the ability to apply for a construction permit, tour guide card, or request a copy of a diploma. Senegal Numerique highlighted implementation challenges such as delays in establishing ad hoc committees for each service, challenges co-ordinating all the necessary actors, financial constraints, and the need for IT resources.<sup>16</sup> IRM did not observe any notable early results during the implementation period due to the limited level of progress. The Ministry of the Civil Service held a workshop to take stock on progress in digitalization government services in October 2023. However, information on the workshop’s findings were not available.<sup>17</sup>

**Commitment 7: Increasing Access to Basic Social Services for People with Disabilities**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b><br/>No</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The main objective of this commitment was to increase access to basic social services for people with disabilities. Specifically, the aim was to (i) increase by 20% the number of disabled people allotted the Equal Opportunities Card and (ii) improve access to public services for people with

disabilities. While this commitment addressed an important issue, it did not have a connection to open government.

The Ministry of Health notes 15 implementing texts for the Social Orientation Law were drafted, with four enacted. Signed decrees include to establish departments to process Equal Opportunity Card applications and for special education, approving a community-based rehabilitation program, and setting conditions for student graduation. Draft decrees related to the commitment milestones include decrees to establish a fund for disabled people, establishing the composition and mandate of a high council for the promotion and protection of the rights of persons with disabilities, and establishing the conditions for recruiting persons with disabilities in public and private organizations. These decrees were not signed into law at the time of writing.<sup>18</sup>

The milestone to provide 20% of the disabled population with an equal opportunity card was not achieved, as financial constraints limited production.<sup>19</sup> The Ministry of Health reported to the OGP Steering Committee in April 2023 that 9% of beneficiaries had received equal opportunity cards.<sup>20</sup> In March 2022, organizations for people living with disabilities<sup>21</sup> highlighted the minimal provision of cards, estimating that there were “between one million and three million people living with disabilities”, whereas the State had only provided 70,000 cards to people living with disabilities. This statement was also confirmed<sup>22</sup> by the Director of the Promotion and Protection of People with Disabilities at the Ministry of Health and Social Action at a press conference in January 2023.

The remaining activities were not completed because this government program was not budgeted for.<sup>23</sup> No evidence of implementation was available in Senegal’s OGP repository and the IRM researcher did not receive a response to their request to reach the implementer during the research process.<sup>24</sup> Although some progress was made towards implementing the Social Orientation Law, these activities did not contribute to opening government to citizens and therefore did not achieve notable early results by the end of the action plan period.

**Commitment 8: Strengthening Local Access to Justice Mechanisms**

<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> No</li> <li>• <b>Potential for results:</b> Unclear</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul>
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The objective of this commitment was to improve citizens' access to local justice, in particular through (i) the building of 10 houses of justice and (ii) increasing awareness of the advantages of local justice in terms of recourse to alternative methods of settling social conflicts, access to information on rights, accessibility to conflict solving mechanisms, flexibility of procedures, etc.

The IRM researcher received information on progress of three of the seven milestones in this commitment. Milestones with some progress include capacity-building of local justice system actors and developing a collaboration mechanism with the “badiènou gokh” and other community relays.<sup>25</sup> The Ministry of Justice has also built 15 additional Houses of Justice, which provide guidance and mediate family and private conflicts.<sup>26</sup> As of 2023, the Directorate for Local



Justice and Promotion of Access to Law reports a total of 31 Houses of Justice, four legal information offices at universities to facilitate access to legal information, and 19 reception and orientation offices to guide litigants through the courts.<sup>27</sup> Implementation advanced the important aim of strengthening access to justice services. However, activities undertaken through this commitment did contribute to opening government to citizens. Therefore, this commitment did not achieve notable early results.

**Commitment 9: Promoting the Participatory Budget Approach at the Local Level**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Substantial</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Not started</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|--|

The main objective of this commitment was to promote the participatory budget approach at local level. In this respect, it aimed at: (i) raising awareness of local authorities on the challenges of the participatory budget approach (ii) encouraging the setting up of consultation frameworks and (iii) improving the handling of the population's concerns and the use of resources at local level.

The commitment holder<sup>28</sup> states that no activities planned under this commitment have been carried out. The Director of Local Authorities stated that the commitment was not properly designed to align with the way in which participatory budget reform should be carried out in Senegal.<sup>29</sup> She noted that priority should have been given to consultation frameworks encompassing both the participatory budget and other dimensions at local authority level, and not to the participatory budget itself, which is limited to fiduciary aspects. She believes that in the next action plan, this commitment should be renewed by setting milestones in line with the approach to transparency and citizen participation that the Department aims to put in place at local authority level. However, the Director received reports from municipalities on the testing of the participatory budget approach showing that 121 municipalities have tried it out with the support of financial partners.

**Commitment 10: Strengthening the Participation of Women and Youth in Decision-Making Bodies**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The main objective of this commitment was to improve inclusion of women and young people in participatory governance. Implementation made some progress towards the first aim to raise awareness on the issues of the participation of women and young people in decision-making bodies. However, there was no evidence of progress towards the more ambitious second aim to strengthen the representation of women and young people in decision-making bodies.

The commitment was implemented jointly by youth and women's organizations and the administration. Most of these commitment millstones were completed by the National Youth



Council (Conseil national de la jeunesse du Sénégal, CNJS), a civil society organization that brings together more than 17,000 youth associations and is represented on Senegal's OGP NTC. According to Mr Abdouramane Cisse<sup>30</sup>, the following milestones have been completed: capacity-building in leadership and civic participation for 100,000 women and young people, the organization of two awareness-raising campaigns for young people and women on participation in political and civic life, capacity-building for 20 women's and young people's associations on leadership and management, and advocacy for a better participation of young people in elective and semi-elective bodies. It should also be noted that the youth guide that was supposed to be drafted has existed since 2020 and is available online on the CNJS website.<sup>31</sup>

Despite these efforts, IRM did not find evidence that these activities contributed to greater participation of women or youth in government. These activities would have likely taken place regardless of the OGP commitment as they were part of an overall CNJS activity called the “Youth Academy”, organized between June and August 2023, in partnership with the Konrad Adenauer Foundation. IRM did not find evidence that these efforts would continue following the program. Moreover, they were focused solely on young people, with activities to advance women’s participation in government not evident. This commitment could have achieved significant results if it had measurably contributed to institutionalization of youth and women’s participation in government, such as through implementation of the 2010 Gender Parity Law.<sup>32</sup> The representative of the National Youth Council<sup>33</sup> reported that a draft bill on the participation of young people in governance had been drawn up and submitted to the National Assembly, backed up by an advocacy to the President of the Republic. The draft law was not available for review.

The remaining milestones have not been completed, in particular to assess the contribution of women and young people in decision-making bodies and to strengthen the capacity of 20 local authorities in the Gender Responsive Program Budget.

**Commitment 11: Strengthening Participation, the Development, Implementation and Monitoring of Environmental Policy**

<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul>
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This commitment sought to strengthen the participation of the population in the development, implementation and monitoring of environmental policy. In this respect, it aimed to: (i) identify the concerns of the population in environmental issues (ii) raise the awareness of the population on the stakes of the environmental policy (iii) strengthen the level of ownership of the instruments and initiatives in this area and (iv) promote the effective involvement of the population in environmental preservation and restoration activities.

The Government of Senegal adopted a new Environmental Code<sup>34</sup> (Law n°2023-15 of August 2, 2023) that introduces important factors such as an improved legal and operational framework for the environmental assessment process; strengthening the management framework for noxious and hazardous substances and waste; enshrining the principle of corporate liability;



and strengthening of management provisions for mining, oil and gas activities. However, the new code does not contain elements relating to public consultation frameworks for monitoring environmental policies. Similarly, the IRM researcher has not found evidence of implementation of the intended milestones such as regional meetings to disseminate environmental protection instruments, or on the establishment of consultation frameworks to monitor environmental policies.

### **Commitment 12: Strengthening Citizen Participation in the Formulation, Implementation, Monitoring and Evaluation of Public Policies**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> No Evidence Available</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

The main objective of this commitment was to strengthen citizen participation in the formulation, implementation, and monitoring of public policies. Specifically, the aim was to strengthen: (i) the technical capacities of territorial actors in terms of public policy formulation and monitoring and (ii) the territorialization of public policies.

The IRM researcher did not have sufficient evidence to assess implementation of this commitment. No evidence was available in Senegal's OGP repository.<sup>35</sup> The IRM researcher did not receive a response to their requests to speak with the commitment holder.<sup>36</sup>

The Regional Governance Cells established by DPBG in Saint-Louis, Fatick, Kédougou, Sédhiou, Dakar and Kaffrine in 2023<sup>37</sup> were flagged as an initiative that contributed to the commitment's aim. Civil society participants received training on evaluating and monitoring public policies. However, these predominantly took place after the implementation period.<sup>38</sup> Additionally, this initiative was not carried out by the implementer for commitment 12 and was therefore considered to be outside the scope of this commitment.

<sup>1</sup> Editorial notes:

For commitments that are clustered: The assessment of potential for results and "Early Results" is conducted at the cluster level, rather than the individual commitment level.

Commitments' short titles may have been edited for brevity. For the complete text of commitments, please see Senegal action plan: <https://www.opengovpartnership.org/documents/senegal-action-plan-2021-2023/>

For more information on the assessment of the commitments' design, see Senegal Action Plan Review:

<https://www.opengovpartnership.org/documents/senegal-action-plan-review-2021-2023/>

<sup>2</sup> "CSO tribune for the adoption of the law on access to information in Senegal." Le Quotidien 2023.

<https://lequotidien.sn/tribune-des-osc-pour-ladoption-de-la-loi-dacces-a-linformation-au-senegal/>

<sup>3</sup> "Civil society organisations call on Macky Sall to have the draft law on access to information adopted." Agence de Press Senegalaise. 11 November 2023. <https://aps.sn/des-organisations-de-la-societe-civile-invitent-macky-sall-a-faire-adopter-le-projet-de-loi-dacces-a-linformation/>

<sup>4</sup> Information provided to IRM during the prepublication review period. <https://drive.google.com/drive/folders/1mmEa-JOuR1GIBGY0mCI9HFYz9JwXRzvB>

<sup>5</sup> Information provided to IRM during the prepublication review period. « CONTRIBUTION DES ORGANISAIONS DE LA SOCIETE CIVILE\_DPBP » <https://drive.google.com/drive/folders/1mmEa-JOuR1GIBGY0mCI9HFYz9JwXRzvB>

<sup>6</sup> « Notable Changes at OFNAC » Seneplus. 2023. <https://www.seneplus.com/politique/des-changements-notoires-lofnac>



<sup>7</sup> Birahim Seck is the co-ordinator of Forum Civil, a civil society organization and member of the Senegalese civil society platform for OGP, <https://fr.allafrica.com/stories/202311260005.html>

<sup>8</sup> “CSOs in Sénégal Welcome Bill to Protect Whistleblowers.” 2024. West Africa Democracy Radio. <https://wadr.org/interview-csos-in-senegal-welcome-bill-to-protect-whistleblowers/>

<sup>9</sup> Mr Diouf, Head of the artisanal fishing division, Directorate of Maritime Fisheries, Ministry of Fisheries, interviewed by the IRM researcher by WhatsApp call on October 31, 2023.

<sup>10</sup> “FITI International Board urges national authorities in Senegal to complete FITI sign-up steps.” 2022. <https://fiti.global/fiti-international-board-urges-senegal-authorities-to-complete-signupsteps>

<sup>11</sup> Mansor Ndour, Regional Co-ordinator for West Africa, Fisheries Transparency Initiative, interviewed by the IRM researcher by email on January 9, 2024.

<sup>12</sup> Information provided to IRM during the prepublication review period. [https://drive.google.com/drive/folders/1c5FTAvis8t\\_oQ531jCesUFYbARP6fU8e](https://drive.google.com/drive/folders/1c5FTAvis8t_oQ531jCesUFYbARP6fU8e)

<sup>13</sup> The IRM researcher requested information from the OGP Point of Contact for Senegal by email on October 6, 2023 and via WhatsApp on December 2 and 6, 2023 but was not able to get in touch with the commitment holder.

<sup>14</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023

<sup>15</sup> “l’Etat dématérialise plus de 800 procédures administratives via sa nouvelle plateforme GovStack.” Agence Ecofin. 2023. <https://www.agenceecofin.com/gestion-publique/0311-113342-senegal-l-etat-dematerialise-plus-de-800-procedures-administratives-via-sa-nouvelle-plateforme-govstack>

<sup>16</sup> Information provided to IRM during the prepublication review period. “Note d’information sur l’état d’avancement de l’Engagement: Dématérialisation de 10 procédures administratives” Senegal Numerique. March 2023. <https://drive.google.com/drive/folders/1jNTIQ34VMHAGKMDZH8LcDUgw43xlCUKp>

<sup>17</sup> “The MFPTSP assesses the dematerialisation of administrative procedures” <https://www.fonctionpublique.gouv.sn/Le-MFPTSP-evalue-la-dematerialisation-des-procedures-administratives>

<sup>18</sup> Information provided by the Senegal OGP National Technical Committee to IRM during the prepublication review period, April 2024.

<sup>19</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>20</sup> Information provided by the Senegal OGP National Technical Committee to IRM during the prepublication review period. April 2024.

<sup>21</sup> “Equal opportunities card: Associations of people with disabilities denounce “an impressive gap of 96.5%” in the supply.” 2022. Seneweb. [https://www.seneweb.com/news/Societe/carte-d-egalite-des-chances-des-associat\\_n\\_375885.html](https://www.seneweb.com/news/Societe/carte-d-egalite-des-chances-des-associat_n_375885.html)

<sup>22</sup> “Senegal: Official highlights State actions on behalf of persons with disabilities.” AllAfrica. 2023. <https://fr.allafrica.com/stories/202301270434.html>

<sup>23</sup> Abdoulaye Ndiaye, civil society member, Article-19, OGP MSF Co-Chair, interviewed by the IRM researcher by WhatsApp call and email on October 26, 2023.

<sup>24</sup> The IRM researcher requested information from the OGP Point of Contact for Senegal by email on October 6, 2023 but was not able to get in touch with the commitment holder for more details. See:

<https://drive.google.com/drive/folders/1XXENwBevmkKquFRxsK8iDcsJF6MRZKAB>

<sup>25</sup> Idem.

<sup>26</sup> Idem.

<sup>27</sup> Directorate for Local Justice and Promotion of Access to Law, Ministry of Justice. 2022 and 2023 reports. <https://drive.google.com/drive/folders/1glUo21ipvnAu8wCJ917JZoUblmABOYuA>

<sup>28</sup> Ms Fatou Camara, Director of Local Authorities and Mr Yero Farba Sy, Head of Research, Local Authorities Department, interviewed by the IRM researcher by WhatsApp call on November 2, 2023.

<sup>29</sup> Ms Fatou Camara, Director of Local Authorities, interviewed by the IRM researcher by WhatsApp call on November 2, 2023.

<sup>30</sup> Mr Abdouramane Cisse, Representative of the National Youth Council of Senegal on OGP-NTC, interviewed by the IRM researcher by WhatsApp call on December 2, 2023.

<sup>31</sup> “GUIDE DE LA JEUNESSE CNJS 2020. » National Youth Council of Senegal. 2020. <https://cnjsenegal.sn/guide-de-la-jeunesse-cnjs-2020/>

<sup>32</sup> For more information on the assessment of the commitments’ design, see Senegal Action Plan Review:

<https://www.opengovpartnership.org/documents/senegal-action-plan-review-2021-2023/>

<sup>33</sup> Mr Abdouramane Cisse, Representative of the National Youth Council of Senegal on OGP-NTC, interviewed by the IRM researcher by WhatsApp call on December 2, 2023.

<sup>34</sup> Environment Code. Government of Senegal. Law 2023-15. 2 August 2023. <https://sec.gouv.sn/publications/lois-et-reglements/code-de-lenvironnement>

<sup>35</sup> Senegal Open Government Partnership Google Drive repository.

[https://drive.google.com/drive/u/0/folders/1\\_PqF2HqZB6MUihJl9fGGDzSNbffyGbd](https://drive.google.com/drive/u/0/folders/1_PqF2HqZB6MUihJl9fGGDzSNbffyGbd)

<sup>36</sup> The IRM researcher requested information from the OGP Point of Contact for Senegal by email on October 6, 2023 and on WhatsApp on December 1 and 6, 2023 in order to get in touch with the commitment holder. The IRM researcher did not receive contact information for the commitment holder.

<sup>37</sup> Promoting good governance: Dakar has its Regional Governance Unit. Le Quotidien. 2023. <https://lequotidien.sn/promotion-de-la-bonne-gouvernance-dakar-a-sa-cellule-regionale-de-gouvernance/>

<sup>38</sup> Information provided to IRM during the prepublication review period. <https://drive.google.com/drive/folders/1mmEa-JOuR1GIBGY0mCI9HFYz9JwXRzvB>