



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the fourth periodic report of Senegal\*

1. The Committee considered the fourth periodic report of Senegal<sup>1</sup> at its 554th and 555th meetings,<sup>2</sup> held on 4 and 5 June 2024. At its 570th meeting, held on 14 June 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's fourth periodic report, which was prepared in response to the list of issues prior to reporting.<sup>3</sup> It also welcomes the additional information provided during the dialogue by the delegation, led by the Permanent Representative of Senegal to the United Nations Office at Geneva, Coly Seck.

3. The Committee appreciates the dialogue held with the delegation, the information provided by the State party's representatives and the constructive approach to the meetings, which allowed for joint analysis and reflection.

4. The Committee acknowledges that Senegal, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals working abroad. However, it notes that, as a country of origin, transit and destination, the State party is facing a number of challenges in relation to the protection of the rights of migrant workers and members of their families.

#### B. Positive aspects

5. The Committee notes with appreciation that the State party has ratified or acceded to the following international treaties:

(a) The International Labour Organization (ILO) Occupational Safety and Health Convention, 1981 (No. 155), in March 2021;

(b) The ILO Occupational Health Services Convention, 1985 (No. 161), in March 2021;

(c) The ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), in March 2021;

(d) The bilateral social security agreement with Spain, on 22 November 2020.

\* Adopted by the Committee at its thirty-eighth session (3–14 June 2024).

<sup>1</sup> [CMW/C/SEN/4](#).

<sup>2</sup> See [CMW/C/SR.554](#) and [CMW/C/SR.555](#).

<sup>3</sup> [CMW/C/SEN/QPR/4](#).



6. The Committee also welcomes the adoption of the following laws and policies:
- (a) Act No. 2022-03 of 14 April 2022, amending and supplementing certain provisions of Act No. 1997-17 of 1 December 1997 (Labour Code), relating to non-discrimination at work;
  - (b) Act No. 2022-01 of 14 April 2022 on the status of refugees and stateless persons, and the national action plan for the eradication of statelessness (2021–2024), which are intended, inter alia, to guarantee universal birth registration;
  - (c) Expanded eligibility requirements for voters in the diaspora, pursuant to article L-150 of Act No. 2021-35 of 23 July 2021 (Electoral Code);
  - (d) The national strategy to combat irregular migration (2023–2033).

## C. Principal subjects of concern and recommendations

### 1. General measures of implementation (arts. 73 and 84)

#### Legislation and application

7. While welcoming the adoption of a number of laws that have advanced the rights of migrant workers and members of their families, the Committee notes that some important legislative projects remain at the draft stage, including the draft Children’s Code, the revision of the Family Code, the bill on the status of *daaras* (Qur’anic schools) and the preliminary bill revising Act No. 2005-06 on the fight against trafficking in persons and related practices and the protection of victims thereof. It notes that Act No. 2022-01 on the status of refugees and stateless persons is not yet fully operational since its implementing decrees, including the decree regulating the introduction of an appeal mechanism for rejected asylum applications, have not yet been adopted. Lastly, the Committee notes with concern that Act No. 71-10 of 25 January 1971 on conditions of admission, stay and establishment of foreigners, which criminalizes irregular stay, remains in force.

8. **The Committee recommends that the State party expedite the adoption of domestic legislation relating to the implementation of the Convention, including the Children’s Code, the revised Labour Code and the legislation on trafficking in persons and the smuggling of migrants, and that it amend Act No. 71-10 to bring it into line with the rights set forth in the Convention, in particular by decriminalizing irregular migration. The Committee also recommends that the State party adopt the implementing decrees to give effect to the right to an effective remedy pursuant to Act No. 2022-01 on the status of refugees and stateless persons.**

#### Articles 76 and 77

9. The Committee notes that, in its report, the State party states that it does not currently have plans to make the declarations provided for in articles 76 and 77 of the Convention.<sup>4</sup>

10. **The Committee reiterates the recommendation made in its previous concluding observations<sup>5</sup> and, in the light of the current challenges in the area of human rights, encourages the State party to make the declarations provided for under articles 76 and 77 of the Convention.**

#### Ratification of relevant instruments

11. While welcoming the State party’s ratification, in 2021, of three conventions of the International Labour Organization (ILO), the Committee notes that the State party has not yet ratified the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers

<sup>4</sup> CMW/C/SEN/4, para. 220.

<sup>5</sup> CMW/C/SEN/CO/2-3, para. 11.

Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190) and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).

**12. The Committee reiterates the recommendation made in its previous concluding observations<sup>6</sup> and recommends that the State party ratify the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).**

#### **Comprehensive policy and strategy**

13. The Committee notes the adoption of a number of legislative texts and sectoral strategies, including in connection with combating trafficking in persons and irregular migration. It further notes the State party's assertion that it has adopted a national policy on migration but regrets the fact that, owing to the absence of clarity on the precise outline, status and impact of the policy, it remains unclear whether the policy is designed to implement all aspects of the Convention. The Committee also regrets the lack of a national mechanism to coordinate all the State party's activities in the area of migration.

**14. The Committee recommends that the State party ensure that its national migration strategy covers all aspects of the Convention, is gender-sensitive and child-friendly and is applied using a human rights-based approach. The strategy should be accompanied by effective measures, with clear time frames, indicators and monitoring and evaluation benchmarks. The Committee further recommends that the State party provide sufficient human, technical and financial resources for the implementation of the strategy and that it submit, in its next periodic report, information on the results obtained and the difficulties encountered, accompanied by statistics.**

#### **Data collection**

15. In the area of data collection, the Committee notes the efforts made by the various State actors in the field of migration, including the relevant ministries and the National Agency for Statistics and Demography, the National Committee to Combat Trafficking in Persons and the Smuggling of Migrants, and the Interministerial Committee to Combat Irregular Migration. The Committee notes, however, the lack of coordination between these bodies and the absence of disaggregated data which could be used to inform migration policies and decision-making, including on conditions of employment of migrant workers, and on migrant women, migrant children, migrants in an irregular situation and the diaspora.

**16. With reference to its previous concluding observations,<sup>7</sup> the Committee recommends that the State party:**

(a) **Expedite the creation of a centralized system to collect data on the situation of migrant workers and members of their families in the State party, in particular those in an irregular situation, covering all aspects of the Convention, in cooperation with the African Migration Observatory and in line with target 17.18 of the Sustainable Development Goals and objective 1 of the Global Compact for Safe, Orderly and Regular Migration, for which the State party is among the champion countries;**

(b) **Ensure the coordination, integration and dissemination of such data and design indicators to measure the progress and results of policies and programmes based on such data;**

(c) **Submit, in its next periodic report, data taken from studies or, where it is not possible to obtain precise information, estimates, on, for example, migrant workers in an irregular situation.**

<sup>6</sup> Ibid., para. 13.

<sup>7</sup> Ibid., para. 19.

### Independent monitoring

17. The Committee welcomes the expansion of the mandate of the Senegalese Human Rights Committee to enable it to receive individual complaints. However, it is concerned about the lack of adequate funding and the absence of a clear, participatory, transparent and pluralistic selection and appointment process. It is also concerned that some members have been appointed on a part-time basis and that the national human rights institution does not have the capacity to appoint its own staff; it also wishes to highlight the need to advocate for the institution to have that capacity.

**18. The Committee recommends that the State party increase the financial and human resources of the Senegalese Human Rights Committee, including by strengthening the procedure for the nomination of its members, so that it can discharge its mandate in an effective, autonomous and independent manner and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it seek advice and support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that process.**

### Training and dissemination of information on the Convention

19. The Committee notes with interest the efforts made by the State party to provide training and awareness-raising initiatives for members of the judicial system on the rights of migrants. It notes, however, that training courses have not yet been organized for health-care providers and embassy and consular personnel. The Committee also notes that such training is not systematically offered to all public officials dealing with migrant workers. It also notes with concern that courts do not apply the Convention because it should be transposed into national law.

**20. The Committee recommends that the State party ensure that such training and information on the Convention is systematically offered to all public officials and personnel dealing with migration issues, in particular law enforcement officials, border guards, judges, prosecutors, consular officials, members of parliament, public officials at the national, regional and local levels, immigration officers, labour inspectors, health-care and education workers, social workers and members of civil society organizations. The Committee also recommends that the State party introduce, at the appropriate educational level, training modules in vocational schools for civil servants and training institutions for law enforcement and security forces that are based on an independent evaluation of the Convention vis-à-vis national legislation. The Committee also recommends that the State party apply the Convention and its recommendations, as the application of national law is not sufficient.**

### Participation of civil society

21. The Committee is concerned about the low level of participation by civil society in the preparation of reports submitted to the Committee and in the dialogue surrounding the implementation of the Convention.

**22. The Committee recommends that the State party:**

(a) **Provide to civil society organizations working with migrant workers and members of their families the tools and means necessary to effectively prepare shadow reports and to participate in the implementation of the Convention and in the follow-up given to the recommendations contained in the present concluding observations;**

(b) **Strengthen its dialogue with civil society organizations and increase their involvement in good governance relating to migration.**

## 2. General principles (arts. 7 and 83)

### Non-discrimination

23. The Committee notes that the principle of equality and non-discrimination is enshrined in the Constitution and was recently incorporated into Act No. 2022-03. Although

the grounds for discrimination set out in article L.29-2 bis of the Act have been greatly expanded, they still do not include certain prohibited grounds of discrimination listed in the Convention, including in articles 1 (1) and 7, such as language, nationality and economic status. The Committee finds it regrettable that the State party has not provided the quantitative and qualitative data that would make it possible to assess the degree of realization of the right to non-discrimination enshrined in the Convention with respect to all migrant workers, irrespective of their migration status.

**24. The Committee reiterates the recommendation set out in its previous concluding observations<sup>8</sup> and, in particular, requests the State party to take all necessary measures, including amending its legislation, to ensure that, irrespective of their migration status, all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy, without discrimination, the rights recognized by the Convention, in accordance with article 7 thereof. It also requests the State party to provide, including in annexes to its next periodic report, qualitative and quantitative data for all spheres on discriminatory practices to which migrant workers and members of their families might be subjected.**

#### **Right to an effective remedy**

25. The Committee takes note of the recent efforts made by the State party to give concrete form, including in articles L.29-3 and L.29.7 of Act No. 2022-03, to the right of migrant workers to have access to an effective remedy in labour relations and of the broadening of the mandate of the national human rights institution to enable it to consider individual complaints. It nevertheless regrets the absence of any data on the efficacy of the right to an effective remedy in the State party, in particular the number of proceedings brought by migrant workers and members of their families, the number of them who have received legal aid, the nature of the complaints examined by judicial and administrative bodies, the investigations carried out and any decisions handed down in which the Convention has been invoked.

**26. The Committee reiterates the recommendation set out in its previous concluding observations<sup>9</sup> and requests the State party to provide, in its next periodic report, disaggregated data on the efficacy of the right to an effective remedy for migrant workers and members of their families, including the number and nature of complaints considered by judicial and administrative bodies, the type of offence and/or conduct reported and the outcome of proceedings, including details of any judgments in which the Convention has been invoked.**

### **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

#### **Labour exploitation and other forms of ill-treatment**

27. The Committee remains concerned by consistent allegations of exploitation, including by some Qur'anic teachers, of *talibé* children, particularly those from neighbouring countries such as Guinea, Mali, Gambia and Guinea-Bissau, and by the failure to reintegrate such children into their families of origin. It also notes allegations of economic exploitation, particularly of migrant domestic workers, and of the worst forms of child labour, including in gold mines. The Committee regrets the lack of concrete legislative and practical progress in curbing the worrying phenomenon of economic exploitation of street children and the lack of figures on the monitoring of domestic work, particularly in the informal sector. It also regrets the lack of quantitative and qualitative data on the scale of those phenomena.

<sup>8</sup> Ibid. para. 23.

<sup>9</sup> Ibid., para. 25.

28. Recalling the previous recommendations made in this area,<sup>10</sup> and in line with targets 8.7 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Strengthen labour inspections, particularly in mining and domestic work and in the informal sector, and increase the number of labour inspectors and labour inspection offices, especially in areas with a high density of migrant workers;

(b) Take the necessary measures to ensure that all cases of ill-treatment and physical, psychological or sexual abuse and all cases of exploitation and forced labour, including in the informal sector, are investigated and that those responsible for these acts are prosecuted and punished appropriately;

(c) Adapt complaints mechanisms to ensure that they are accessible to children and human rights defenders;

(d) Conduct awareness-raising, education and information campaigns, in cooperation with the States of which *talibé* and migrant children are nationals, on the risks faced by children in order to prevent them from being sent to and exploited in Senegal;

(e) Step up legal, psychological and other support measures to facilitate the long-term reintegration of street children into their families or in appropriate reception centres, with due regard for the best interests of the child;

(f) Compile information on the extent of child labour, including by migrant children, with a view to avoiding such reprehensible practices and subsequently establishing, as quickly as possible, policies, strategies and enforcement mechanisms to ensure that its legislative and policy framework complies with its obligations under the ILO Forced Labour Convention, 1930 (No. 29), the ILO Abolition of Forced Labour Convention, 1957 (No. 105), the ILO Minimum Age Convention, 1973 (No. 138), and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

#### **Due process, detention and equality before the courts**

29. The Committee welcomes the State party's recognition, as detailed in its report, of the need to revise Act No. 71-10, which makes irregular stay in the country an offence, to bring it into line with the State party's international obligations.<sup>11</sup> Despite this commitment, the Act has not yet been revised, and cases of detention for irregular stay have been reported. The Committee is also concerned by the lack of available data on the number of migrants in detention in Senegal, disaggregated by migration status, gender, age and other grounds for discrimination.

30. The Committee reiterates the recommendation set out in its previous concluding observations<sup>12</sup> and recommends that the State party:

(a) Amend Act No. 71-10 in order to decriminalize irregular migration, since the Committee considers that, in accordance with its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, staying in a country without authorization or without being in possession of the necessary documents or remaining in a country after the expiry of a residence permit should not be criminalized, as it leaves migrant workers and members of their families in fear of being reported, thereby limiting their access to fundamental human rights, as well as their access to justice, and making them more vulnerable to abuse, including in the labour market;

(b) Ensure that the detention of migrants is used only as a last resort and for the shortest possible time, after a case-by-case assessment of its legality, necessity and proportionality, and that the principle of non-refoulement is respected, in accordance

<sup>10</sup> See, for example, CERD/C/SEN/CO/19-23, para. 19; CRC/C/SEN/CO/6-7, para. 21;

CEDAW/C/SEN/CO/8, para. 26; E/C.12/SEN/CO/3, para. 27; and CCPR/C/SEN/CO/5, para. 41.

<sup>11</sup> CMW/C/SEN/4, para. 62.

<sup>12</sup> CMW/C/SEN/CO/2-3, para. 27 (a).

**with the Committee's general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights.**

#### **Consular assistance**

31. The Committee notes the information provided by the State party according to which, through consular assistance, it carries out missions to identify its nationals in detention in foreign countries. It nevertheless regrets the lack of more precise information, disaggregated by gender, age and vulnerability factors, on the scope of these missions, the methodology applied, the challenges encountered, the number of Senegalese nationals in detention around the world or requiring consular assistance or repatriation, particularly in the case of unaccompanied minors, the number of visits and the impact of the measures taken.

**32. The Committee reiterates the recommendation set out in its previous concluding observations,<sup>13</sup> in particular with regard to ensuring that the State party's consular services effectively carry out their mission to protect and promote the rights of Senegalese migrant workers and members of their families and, in particular, that they provide the necessary assistance to those in need of protective measures or who are deprived of their liberty or subject to an expulsion order. Where consular services are not available, the Committee recommends that the State party take all necessary measures to ensure the provision of consular assistance and protection, including through the use of bilateral agreements with the country of destination or with a third country having consular representation in the country of residence of Senegalese migrant workers.**

#### **Social security**

33. The Committee takes note of the efforts made by the State party to ensure that migrants returning to Senegal can benefit from any social security contributions they have paid in their country of employment. It regrets, however, the persistent shortcomings in ensuring that workers in the informal sector, including migrant workers in the State party, are able to benefit from social security, notably through the simplified scheme for small taxpayers.

**34. The Committee reiterates the recommendations set out in its previous concluding observations<sup>14</sup> and recommends that the State party guarantee for all migrant workers and members of their families, irrespective of their migration status and of whether they work in the formal or informal sector, the right to social security on an equal footing with Senegalese workers, and ensure that they are informed of their rights in this regard. It encourages the State party to continue its efforts to systematically include social security provisions in bilateral and multilateral agreements on labour migration, in order to facilitate the transfer, when Senegalese migrants return home, of any social security contributions they have paid in their countries of employment.**

#### **Emergency medical care**

35. The Committee takes note of the State party's assertion that migrant workers and members of their families do not suffer discrimination with regard to receiving emergency medical care. The Committee is nevertheless concerned about the lack of data to support this assertion, particularly with regard to access, in law and in practice, to emergency medical care for migrant workers and members of their families, irrespective of their migration status.

**36. The Committee reiterates the recommendation set out in its previous concluding observations<sup>15</sup> and requests the State party to ensure that all migrant workers and members of their families, including those in an irregular situation, have access to the emergency health-care system, and to provide, in its next periodic report, qualitative and quantitative information in this regard.**

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<sup>13</sup> Ibid., para. 31.

<sup>14</sup> Ibid., para. 33.

<sup>15</sup> Ibid., para. 37.

### Birth registration and nationality

37. The Committee notes the progress made towards ensuring universal birth registration for Senegalese and non-Senegalese children alike. It notes, however, that universal registration has not yet been achieved, with 77 per cent of births registered according to information provided by the State party.<sup>16</sup> It regrets the lack of information on the obstacles to universal registration that might lead to situations of statelessness, as well as on the strategies put in place to overcome them.

38. **In accordance with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration and target 16.9 of the Sustainable Development Goals, the Committee recalls the recommendations made by the Committee on the Rights of the Child<sup>17</sup> and recommends that the State party ensure that all children, including the children of migrant workers, and irrespective of their migration status, are registered at birth, are issued with personal identity documents and acquire a nationality to prevent situations of statelessness. In this regard, the Committee recommends that the State party raise greater awareness among migrants of the importance of birth registration.**

### Education

39. The Committee notes that the principle of non-discrimination in education is guaranteed in domestic law provisions. It is, however, concerned about the lack of statistics on the proportion of foreign children and of information on the practical implementation of these provisions for migrant workers and members of their families, including those who are in an irregular situation. In particular, the Committee notes the lack of information on the implementation of the right to education of *talibé* children of foreign or Senegalese nationality, especially with regard to whether *daaras* of any kind respect the right to education enshrined in international human rights instruments.

40. **In the light of joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and bearing in mind target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party ensure that migrant children have access, in law and in practice, to preschool, primary and secondary education on an equal footing with Senegalese children and that all establishments, including religious ones, fully meet this obligation. It also recommends the adoption of measures to facilitate access to vocational and university training for migrant workers and members of their families.**

### Right to be informed and dissemination of information

41. The Committee notes the introduction of information and awareness-raising programmes to prevent irregular migration. It nevertheless regrets the absence of more targeted awareness-raising campaigns, particularly in schools and rural and low-income communities, to inform people about the conditions of entry and residence in transit and host countries, and to alert them to the dangers of irregular migration, including for children and teenagers.

42. **The Committee recommends that the State party intensify its efforts to disseminate information on the rights of migrant workers and members of their families enshrined in the Convention and that it pay particular attention to raising awareness, among children and teenagers who are seeking to migrate, of the dangers of using irregular migration routes. To this end, it recommends that targeted preparation and awareness-raising programmes be set up, including in consultation with the Senegalese Human Rights Committee and interested non-governmental organizations, with**

<sup>16</sup> CMW/C/SEN/4, para. 60.

<sup>17</sup> CRC/C/SEN/CO/6-7, para. 18.



**migrant workers and members of their families and with recognized and reliable recruitment agencies.**

**4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

**Right to form trade unions**

43. The Committee again notes with regret<sup>18</sup> that, under article L.9 of the Labour Code, the right of migrant workers to serve as officials of associations and trade unions is subject to a reciprocal agreement with the migrant worker's country of origin and is therefore not guaranteed equally to all migrants.

**44. The Committee again recommends that the State party<sup>19</sup> take all necessary measures to guarantee to all migrant workers and members of their families who are legally resident in Senegal their right to serve as officials of associations or trade unions to which they belong, without the condition of reciprocity with their country of origin.**

**5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)**

**International cooperation**

45. The Committee welcomes the cooperation agreements and memorandums of understanding on migration concluded by the State party with a large number of destination countries. It notes that the State party's national strategy to combat irregular migration (2023–2033) aims in particular to increase their number and scope. The Committee notes, however, that the agreements concluded are not made public and accessible so that all migrant workers and potential migrants can become acquainted with them. It regrets that certain difficulties have so far prevented the conclusion of agreements with a number of countries, including the Gulf States, where a large number of Senegalese workers are based.

**46. The Committee recommends that the State party continue its efforts in the area of international cooperation with the countries of transit and destination of Senegalese migrant workers with a view to increasing the number of regular migration channels. To this end, it recommends, in particular, increasing the number of countries with which such agreements are concluded, broadening the scope of those agreements and making them public, while ensuring that they take account of the obligations emanating from the Convention and other human rights instruments. The Committee also recommends that the State party assess the impact of all these measures on the rights of migrant workers and members of their families and that it provide information on this aspect in its next periodic report.**

**Return and reintegration**

47. The Committee notes the establishment of numerous reintegration, rehabilitation and economic integration programmes for returning migrants and the creation of reception, orientation and follow-up offices. However, it regrets the lack of quantifiable data on the sustainability of the financing for those programmes and on the results of the measures.

**48. The Committee recommends that the State party continue to take measures to ensure that the appropriate social, economic, legal or other necessary conditions are in place to facilitate the return and durable reintegration of Senegalese migrant workers and members of their families, as provided for in article 67 of the Convention, and that it provide in its next periodic report data on the impact of such measures and any difficulties encountered.**

<sup>18</sup> CMW/C/SEN/CO/2-3, para. 42.

<sup>19</sup> Ibid., para. 43.

### **Smuggling of migrants and corruption**

49. The Committee takes note of the State party's efforts to inform potential migrants of the dangers of irregular migration. It also notes the information provided by the State party according to which the defence and security forces carry out joint or combined patrols to monitor the coastal locations which are departure points for irregular migration to Europe. It regrets, however, the lack of information on the impact of such patrols, as well as on the investigations launched, the sanctions imposed on persons involved in the trafficking of migrants and on any potential instances of collusion. The Committee also regrets the lack of quantitative and qualitative data from the State party on the number of missing and deceased migrants and the measures taken, including through international cooperation, to ensure the repatriation of their bodies where appropriate.

50. **In line with the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, the Committee recommends that the State party:**

(a) **Strengthen existing mechanisms to detect, prevent and eliminate irregular movement by migrant workers, and investigate, prosecute and punish anyone responsible for smuggling migrants;**

(b) **Step up information campaigns aimed at the local population on the risks of irregular migration and continue to provide assistance to Senegalese migrant workers in transit countries;**

(c) **Strengthen accountability mechanisms and transparency regarding joint or combined patrols with European authorities on the territory of the State party and publicize cooperation agreements;**

(d) **Use all possible means to search for and recover migrants who are missing or unaccounted for;**

(e) **Strengthen mechanisms to rapidly trace, contact and inform the family members of missing, dead or murdered migrants, as part of a single procedure facilitating reporting, the repatriation of bodies and the handover of them to families, where appropriate.**

### **Recruitment agencies**

51. The Committee notes the existence of provisions in the Labour Code (arts. L.33, L.223 and L.228) to regulate the recruitment of Senegalese migrant workers and to combat the illegal recruitment of migrant workers. It also notes the agreements that the State party is preparing to conclude with countries that receive domestic workers, in order to regulate this market in which unscrupulous intermediaries operate. The Committee nevertheless regrets the lack of qualitative and quantitative data on the number of migrants or potential migrants employed by these agencies, as well as on the effectiveness of the legislative measures adopted and the scope of the labour inspections carried out to monitor the practices of recruitment agencies.

52. **The Committee recommends that the State party strengthen the monitoring and inspection of recruitment agencies in order to guarantee the rights of migrant workers and members of their families, in accordance with the Convention. It also recommends that it investigate the illegal practices of recruitment agencies and punish them where appropriate, and continue to strengthen international, regional and bilateral cooperation by concluding agreements with countries of origin, transit and destination aimed at preventing and combating trafficking and forced labour, particularly of migrant women engaged in domestic work.**

### **Trafficking in persons**

53. The Committee notes the efforts made to increase the resources of the National Committee to Combat Trafficking in Persons and the Smuggling of Migrants, and the introduction of the Systraite database to collect data on trafficking in persons. It regrets the ongoing difficulties reported by the State party during the dialogue, such as the lack of personnel at all levels of the judicial system who are trained to enter and process data in the

Systrait database. The Committee also regrets the lack of results obtained through measures taken to combat trafficking, particularly those linked to the exploitation of street children.

54. Drawing on its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, on general comment No. 38 (2020) of the Committee on the Elimination of Discrimination against Women on trafficking in women and girls in the context of global migration, and on the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, and with reference to targets 8.7 and 16.2 of the Sustainable Development Goals, the Committee reiterates the recommendations made in its previous concluding observations<sup>20</sup> requesting the State party to:

(a) Optimize the collection of data disaggregated by gender, age and origin so as to better combat trafficking in persons and the smuggling of migrants;

(b) Improve communication between the services responsible for preventing, detecting and combating trafficking in persons;

(c) Allocate human and financial resources commensurate with the scale of the problem, in particular to the National Committee to Combat Trafficking in Persons and the Smuggling of Migrants, and to the operation of the Systrait database;

(d) Step up training for all services involved in preventing and combating trafficking in persons;

(e) Ensure that the perpetrators of trafficking offences are investigated, prosecuted and appropriately punished and that victims receive comprehensive redress, and deepen international cooperation with a view to developing joint action plans with countries of origin, transit and destination on the prevention of trafficking in persons and the identification of transnational organized crime networks.

## 6. Dissemination and follow-up

### Dissemination

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

56. The Committee recommends that the implementation of the Convention, in particular any actions in follow-up to the present concluding observations, should be undertaken jointly with civil society organizations, and that the proposals these organizations make with respect to specific migration problems in Senegal should be explored, given their deep understanding of the daily reality of migrants. In this regard, the Committee recommends that the State party strengthen the capacity of the National Advisory Council on Human Rights and International Humanitarian Law in its role as a mechanism for monitoring and following up on the implementation of human rights treaty body recommendations, in particular those of the Committee, to allow for periodic assessment of their implementation, with the support of United Nations agencies and the national human rights institution.

### Technical assistance

57. The Committee recommends that the State party avail itself of international assistance for the implementation of the recommendations contained in the present concluding observations, in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with specialized agencies and programmes of the United Nations. The Committee stands ready to provide technical assistance to the State party regarding the implementation of the Convention.

<sup>20</sup> Ibid., para. 57.

**Follow-up to concluding observations**

58. The Committee requests the State party to provide, within two years (that is, by 1 July 2026), written information on the implementation of the recommendations contained in paragraphs 14 (comprehensive policy and strategy), 16 (data collection), 28 (labour exploitation and other forms of ill-treatment) and 36 (emergency medical care) above.

**Next periodic report**

59. The Committee requests the State party to submit its fifth periodic report by 2 July 2029. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State party explicitly opts for the traditional reporting procedure in respect of its fifth periodic report. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.<sup>21</sup>

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<sup>21</sup> [HRI/GEN/2/Rev.6](#).