



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

Distr.: General
1 February 2024
English
Original: French
English, French and Spanish only

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

**Fourth periodic report submitted by Senegal
under article 73 of the Convention, due in 2023^{*}, ^{**}**

[Date received: 19 July 2023]

* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CMW/C/SEN/QPR/4](#)).



I. Introduction

1. In keeping with its democratic tradition, Senegal, as an international actor that respects human rights, has ratified almost all the international conventions on the promotion and protection of human rights.
2. As a member of the United Nations, our country is committed to a set of universal principles embodied in various international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention relating to the Status of Refugees.
3. At the regional level, our country, aware that its economic expansion is virtually impossible owing to small size of African national markets, has adopted several regional and subregional instruments, such as the Treaty of the Economic Community of West African States (ECOWAS) and the 1979 ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment.
4. The geographical position of Senegal makes it a popular destination for migrant workers seeking economic, professional and social opportunities. Concerned about the vulnerability of migrant workers as a result of their distance from their State of origin, and wishing to create a protective legal framework for them, our country ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1999. In ratifying this agreement, the Government undertook to recognize their rights by creating a favourable legal framework and implementing various programmes and public policies.
5. Since acceding to the Convention in 1999, Senegal submitted its initial report in 2010 and combined second and third periodic reports in 2016 to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.
6. In accordance with article 73 of the Convention, Senegal must submit its fourth periodic report during the third cycle, to be examined by the Committee, on the status of its implementation, in particular on the legislative, judicial and administrative measures and any other progress made to ensure the exercise of the rights recognized therein.
7. The process of drawing up this report began once the list of issues had been received, followed by the submission of requests for contributions to the various ministries concerned with the issue of migrant workers and the collection of data resulting from these requests for contributions. Subsequently, the National Advisory Council on Human Rights and International Humanitarian Law, in partnership with the West Africa Regional Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR), organized a three-day workshop to draft and approve the fourth periodic report of Senegal on the protection of the rights of all migrant workers and members of their families.
8. It should be recalled that the National Advisory Council on Human Rights and International Humanitarian Law, which is the national mechanism for drafting reports and following up recommendations, is made up of representatives from all the ministries and representatives of civil society.
9. This report, approved by the members of the National Advisory Council, is then forwarded to the national human rights institution, the Senegalese Human Rights Committee, and OHCHR for their opinion before being submitted to the Committee on Migrant Workers.
10. The report consists of two parts: the first deals with general information and the second with the implementation of the provisions of the Convention.

II. Replies to the list of issues prior to reporting (CMW/C/SEN/QPR/4)

A. Legal framework and measures to implement the Convention

1. General information

Reply to the question raised in paragraph 1 (a)

11. During the reporting period, Senegal took a number of legislative and policy measures to implement the Convention.

12. The measures taken include:

- Act No. 2022-03 amending certain provisions of Act No. 97-17 of 1 December 1997 enacting the Labour Code, relating to non-discrimination in the workplace, in particular articles 29-4¹ and 29-6²
- Act No. 016-32 of 8 November 2016 enacting the Mining Code, in particular articles 12³ and 87 (2)⁴
- Extending opportunities for migrant jobseekers to register on the jobseekers' database by providing identification documents (national identity card or passport)
- Strengthening support measures to facilitate the reintegration of migrants
- Building the capacity of the Directorate General for Support to Senegalese Abroad

Reply to the question raised in paragraph 1 (b)

13. In 2021, Senegal signed a bilateral agreement with Spain guaranteeing the social security rights of workers who have lived and worked in both countries.

14. Discussions with Italy have not led to the signing of an agreement.

Reply to the question raised in paragraph 1 (c)

15. With regard to multilateral agreements, Senegal is a member of the Inter-African Conference on Social Security, which brings together 14 States. This organization provides for a regional mechanism for the management of social welfare bodies with a view to rationalizing their operations. In 2006, it also ratified the Multilateral Convention on Social Security of the Conference and the African Union African Social Policy Framework for Africa.

16. With regard to bilateral agreements, under the bilateral social security agreement between Spain and Senegal, signed in November 2020, almost 41,131 Senegalese have been registered with the Spanish social security system. Furthermore, in 2021, Spain paid pensions to 275 pensioners living in Senegal. The administrative procedures for pension holders and retirees were facilitated directly by the Office of Labour, Migration and Social Security of the Embassy of Spain in Senegal.

¹ "A job applicant who is a victim of discrimination has the same right to appeal to the employment tribunal as an employee. The judge hearing the case may order the employer to pay damages to compensate for the loss suffered by the claimant."

² "A National Observatory on Discrimination in the Workplace has been set up in the Ministry of Labour. The tasks of the observatory and the rules governing its organization and operation are to be laid down by decree."

³ "The State may authorize a national or foreign company or natural or legal person to carry out mining operations under service contracts, including production sharing contracts."

⁴ "Foreign personnel resident in Senegal and employed by any mining permit holder are guaranteed free conversion and transfer of all or part of their salary savings, subject to payment of taxes and various contributions in accordance with tax regulations."

Reply to the question raised in paragraph 1 (d)

17. To guarantee access to social protection and transferability of social security benefits for Senegalese migrant workers abroad and members of their families, Senegal has signed bilateral agreements with African and European partner countries hosting large Senegalese communities. In certain circumstances, family reunification is possible, subject to a favourable opinion from the competent authorities in the host country.

18. Senegal has also signed legal instruments for cooperation with host partner countries on detention and repatriation and expulsion procedures.

19. By way of illustration, with regard to detention, our country has signed cooperation and mutual legal assistance agreements, particularly in criminal matters. In some cases, the agreement in question provides for the transfer of Senegalese compatriots sentenced abroad to serve their sentences in their country of origin.

20. As part of this cooperation agreement, the diplomatic and consular network of Senegal is given the opportunity to ensure that the rights of detained Senegalese migrant workers are respected, and that they are effectively granted the right to visit members of their families.

21. With regard to repatriation or expulsion procedures, it should be noted that this phenomenon is more common with European Union member countries. This is why Senegal has set up a permanent technical dialogue with the European Union, which has led to several meetings attended by European Union delegations led by Mr. Johannes Luchner, Deputy Director General in charge of Horizontal Affairs and Migration at the Directorate General for Migration and Home Affairs.

22. In addition to operational cooperation on return and readmission, this technical dialogue also covers cooperation during the identification procedure, with the aim of agreeing on rules for identifying persons in an irregular situation before organizing their return to Senegal, while respecting the rights and dignity of those concerned, and for issuing travel documents.

Reply to the question raised in paragraph 2

23. With regard to the current negotiations between the Organization of African, Caribbean and Pacific States and the European Union, aspects relating to cooperation on return and readmission are well advanced.

24. In addition, as part of these negotiations, the European Union undertook to promote non-discrimination for nationals from African, Caribbean and Pacific States living legally on its territory and to finance cooperation schemes with an impact on migration flows.

Reply to the question raised in paragraph 2 (a)

25. As part of the negotiations for the new partnership agreement between the Organization of African, Caribbean and Pacific States and the European Union (the post-Cotonou agreement), the migration dimension seems to be better taken into account, particularly in article 13, which provides for a clear improvement in migrants' living conditions in countries of origin and transit, more organized legal migration and a prohibition against readmission that is tantamount to collective expulsion of migrants in an irregular situation.

Reply to the question raised in paragraph 2 (b)

26. The defence and security forces carry out joint or combined patrols to monitor the coasts from which migrants in an irregular situation depart for European shores.

27. To this end, the Joint Operations Centre based at the Ministry of the Interior (which includes police, gendarmes and military officers) has been set up to coordinate these operations and exchange intelligence.

Reply to the question raised in paragraph 3 (a)

28. A process is under way in Senegal to centralize data from the various entities involved. To this end, training and capacity-building activities for focal points have been carried out.

29. A national strategy to combat irregular migration (2023–2033) was drawn up in November 2022. This has led to efforts to build the capacity of the members of the Interministerial Committee to Combat Irregular Migration. A review of the Committee is currently under way to increase its powers and membership.

Reply to the question raised in paragraph 4

30. As part of the implementation of the Agreement on the Concerted Management of Migration Flows between France and Senegal, Senegal and France held the eighth session of the Joint Monitoring Committee in Paris on 25 February 2022. The free movement of people and migration issues were among the main agenda items.

31. Article 42 of the Agreement is being applied by both States.

32. For example, in terms of assisted voluntary return and reintegration, Senegal ranked fifth out of the 28 countries receiving reintegration assistance from the French Office for Immigration and Integration in 2021 and was the leading recipient in Africa, with 127 cases of such assistance recorded in 2021. In addition, despite the health crisis, 67 assisted returns were carried out in 2021.

33. At the same time, the migration agreements signed in 2020 between Senegal and Spain have enabled the two Governments to jointly manage the preventive dimension of irregular immigration and coordinate the return of so-called irregular migrants.

Reply to the question raised in paragraph 5

34. The recommendations of the 2015 Valletta Summit inviting States to facilitate the portability of social security entitlements for migrant workers and Objective 22 of the Global Compact for Safe, Orderly and Regular Migration of 2018 led Senegal and Spain to sign a bilateral social security agreement on 22 November 2020. Among the measures taken by the Senegalese authorities to guarantee the effectiveness of this instrument, outreach days have been organized to raise public awareness in Senegal and the Senegalese diaspora in Spain about the agreement's legal and social implications and effect on work. Three panels were organized on the main features of the agreement on its socioeconomic, migration and legal aspects, respectively.

Reply to the question raised in paragraph 6 (a)

35. There is no stigma attached to migrant workers in Senegal, nor is there any negative perception of them. They are not discriminated against in terms of access to health-care services and are fully covered by national pandemic prevention and management plans in the same way as nationals. By way of illustration, free masks were distributed and vaccination against coronavirus disease (COVID-19) was given regardless of nationality or migration status.

Reply to the question raised in paragraph 6 (b)

36. In Senegal, the families of migrant workers who died of the disease were not only informed, but were also given the remains of their loved ones in strict compliance with the administrative and health procedures laid down by laws and regulations.

37. With regard to the joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants issued by the Committee and the Special Rapporteur on the human rights of migrants, Senegal had declared a state of emergency to deal with the pandemic. However, it has always ensured respect for human rights, including those of migrant workers.

Reply to the question raised in paragraph 7

38. With the aim of reforming the Senegalese Human Rights Committee in accordance with the Paris Principles, Senegal has drafted a bill to amend and replace Act No. 04 of 10 March 1997, after wide-ranging consultation with all relevant stakeholders. The bill is currently undergoing the administrative adoption process. The aims of the bill include the following:

- Allocation of adequate funding from the State
- Transparent selection and appointment process for its members
- Appointment of full-time members
- An opportunity for the institution to freely recruit its own staff

Reply to the question raised in paragraph 7 (a)

39. The Senegalese Human Rights Committee does not have a specific mandate, but rather a general one relating to all human rights issues. However, in 2021, it carried out a study entitled “The female face of irregular migration”. This study, which is the result of a cross-analysis of the accounts of aspiring migrant women in an irregular situation and the viewpoints of institutional actors, puts forward recommendations for decision makers.

40. The recommendations include:

- Implementing specific programmes for (returning) migrant women
- Raising awareness among women and men of the dangers of irregular migration
- Organizing associations of (returning) migrants and involving them in awareness-raising campaigns
- Publicizing laws on migration, trafficking in persons on migrant smuggling and related regulations
- Adopting a national migration policy based on the defence of migration rights
- Identifying the priority areas of migration in the sustainable human development plan of action
- Giving impetus to an African agenda on migration at subregional and regional levels

Reply to the question raised in paragraph 7 (b)

41. As part of its mission to protect human rights, the Senegalese Human Rights Committee has set up a department to receive complaints from victims of human rights violations, including those of migrant workers. Its main role is to welcome, guide and advise victims.

42. With regard to training and capacity-building programmes on the human rights of migrant workers, it should be pointed out that the Committee does not have a budget line specifically dedicated to them.

Reply to the question raised in paragraph 7 (c)

43. In financial terms, the budget has evolved progressively from 36 million CFA francs (CFAF) at the outset, CFAF 50 million from 2014 and CFAF 100 million from 2021.

44. In the same vein, the bill takes into account the strengthening of the institution’s financial and budgetary autonomy and its resources.

45. With regard to human resources, 12 commissioners are to be appointed through an inclusive and transparent process, taking into account gender balance, for a non-renewable term of 6 years.

2. Information relating to the articles of the Convention

Reply to the question raised in paragraph 8

46. Almost all the provisions of the Convention, which protect the right to life, physical integrity, freedom of expression and opinion, privacy and security, are already taken into account in the various laws of Senegal. For example, the right to life (Convention, art. 9), the right not to be subjected to torture (art. 10) and the right to freedom of expression (art. 13) are enshrined in articles 7, 8 and 9 of the Constitution and in national laws, such as Act No. 96-15 of 28 August 1996, which incorporated article 295-1 into the Criminal Code, by which acts of torture are punished. This explains why Senegalese courts limit themselves to citing national laws in their case law and very rarely refer to the provisions of the Convention.

Reply to the question raised in paragraph 9 (a)

47. In Senegal, migrant workers, like all other citizens, can lodge complaints with the ordinary courts if their rights are violated. In other words, no distinction is made between migrant workers and nationals as regards bringing cases before the courts. The same applies to the courts with jurisdiction in administrative matters, in this case the Supreme Court.

Reply to the question raised in paragraph 9 (b)

48. Senegal has no database on the number of complaints examined by the administrative and ordinary courts.

Reply to the question raised in paragraph 9 (c)

49. In Senegal, there is no legal aid dedicated exclusively to migrant workers. However, the Government of Senegal has set up a legal aid fund to provide assistance to anyone who cannot afford the services of a lawyer, regardless of whether the person is a migrant or a national.

Reply to the question raised in paragraph 9 (d)

50. At present, data on compensation awarded to migrant workers whose rights have been violated is not available. However, like nationals, migrant workers are entitled to compensation in kind or in the form of damages when the courts find that their rights have been violated in any way.

Reply to the question raised in paragraph 10

51. Senegal has taken due note of the recommendations contained in the Committee's concluding observations on non-discrimination. Discrimination in all its forms is absolutely prohibited by the Constitution. The Committee's recommendations partly inspired the revision of the Labour Code, which now gives job applicants who are victims of discrimination on the grounds of race, ethnicity, migration status, religion and other characteristics the same right to bring a case before a labour court as an employee.

52. As part of the measures taken during the reporting period to protect migrant workers against discrimination, Senegal has carried out awareness-raising activities through its Ministry of Justice to promote greater understanding of the Convention. These were organized in 2022 for members of the judicial system in the regions of Thiès, Saint-Louis, Kaolack and Ziguinchor.

Reply to the question raised in paragraph 11

53. The Government reaffirms its firm commitment to strengthening the protection of the human rights of all workers (migrant or otherwise) by providing a better framework for combating discrimination in the workplace. In this respect, although the legislative process is not yet complete and will no doubt be reflected in the new Labour Code, the issue of discrimination and the Committee's concerns have already been addressed.

54. Under article 19 of the new Interprofessional Collective Agreement signed on 30 December 2019:

No one may be barred from the recruitment procedure or access to an internship or to in-service training, or be subject to any discriminatory measure based on race, colour, age, sex, trade union activity, membership of a religion, brotherhood or sect, political opinion, national extraction (migrant status), ethnic origin, social origin, disability, pregnancy, family situation, state of health or HIV status, and having the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. No employee may be punished, dismissed or subjected to a discriminatory measure for having witnessed or reported any of the acts defined in the preceding paragraphs. Any provision to the contrary or any act to the contrary in respect of an employee is automatically null and void.

Reply to the question raised in paragraph 12

55. In accordance with its obligations under the Convention, Senegal has adopted Act No. 2022-03 of 14 April 2022 amending certain provisions of Act No. 1997-17 of 1 December 1997 enacting the Labour Code, relating to non-discrimination in the workplace. This Act, under which the National Observatory on Discrimination in the Workplace was established, also requires employers to ensure equality in the workplace and equal treatment in relation to recruitment, training and the performance of employment contracts (art. 29-1).

56. In addition, under paragraph 5 of article 29-3, workers or job applicants are presumed to have been discriminated against when they provide relevant evidence or when an employer does not contest the allegations made against it.

57. Furthermore, no worker may be dismissed or subjected to any arbitrary or discriminatory disciplinary measure for having witnessed acts that violate a right established in the Act.

58. The preliminary draft decree implementing the Act has been finalized and approved by management and labour through the National Labour Advisory Council.

Reply to the question raised in paragraph 13

59. Senegal has adopted Act No. 01-2022 on the status of refugees and stateless persons and a national action plan for the eradication of statelessness (2021–2024). The Act and the action plan should simplify naturalization procedures for children born in the country to foreign parents, thereby helping to achieve the goal of ensuring that no child is born stateless or left stateless. In this regard, the action plan guarantees universal birth registration. In 2021, 51 people were naturalized pursuant to Decree No. 2021-1002 of 30 July 2021.

60. No distinction is made in relation to birth registration. The institutional reform establishing the National Civil Registry Agency, which replaced the National Directorate, helps to promote the right to birth registration. With this new status, the State is reaffirming its commitment to realizing the right to birth registration in Senegal. It should be recalled that 77 per cent of births are declared in Senegal and that this figure includes children born in the country to migrant workers.

Reply to the question raised in paragraph 15

61. In Senegal, there is no national database that is used solely to record complaints filed by migrant workers. However, according to a survey on the profile of international migrants living in the department of Dakar, carried out by the National Agency for Statistics and Demography in 2019, very few migrants living in the department (21 per cent) have had problems gaining access to justice. In order to reduce barriers to justice, the State of Senegal has established local justice mechanisms in the form of legal advice centres that facilitate access to justice for everyone in Senegal. In collaboration with the Association of Women Jurists of Senegal, the State has helped to set up a number of legal clinics offering legal services for all individuals, irrespective of their migration status.

Reply to the question raised in paragraph 16

62. No measures to decriminalize irregular stays have yet been taken by the Government of Senegal. However, given that Act No. 1971-10 of 25 January 1971, which makes irregular stay in the country an offence, does not comply with the international and subregional commitments made by Senegal, there are plans to review this Act.

Reply to the question raised in paragraph 17

63. There is no data on the number of migrant workers detained for having violated migration law.

Reply to the question raised in paragraph 17 (a)

64. There is no information channel that is specifically used to inform detained migrant workers of their rights. However, the competent authorities routinely inform the diplomatic representatives of the countries of origin of detained migrant workers so that these representatives can act as interpreters when the workers do not understand the official language of Senegal.

Reply to the question raised in paragraph 17 (b)

65. Diplomatic practice allows the Government of Senegal to notify the diplomatic mission of another State when a national of that State is in detention. The consular authorities are informed of the reasons for the arrest of their nationals and can comment on their detention conditions.

Reply to the question raised in paragraph 17 (c)

66. In accordance with article 55 bis of the Code of Criminal Procedure, the State of Senegal guarantees all persons in detention, including migrants, the right to be assisted by a lawyer of their choice. In addition, when a detained migrant does not understand the official language of Senegal, the services of a sworn interpreter or, failing that, the diplomatic mission of his or her country of origin are used. This guarantee also applies when the migrant is subject to deportation proceedings for violating immigration law.

Reply to the question raised in paragraph 17 (d)

67. Criminal investigation officers are required to notify detainees, including migrants, of their right to be assisted by a lawyer of their choice, in accordance with Regulation No. 5 of the West African Economic and Monetary Union (WAEMU), which has been incorporated into article 55 bis of the Criminal Code of Senegal. In addition, the consular or diplomatic authorities of a detained migrant's State of origin are routinely informed of his or her place of arrest and the reasons for it. This formality enables the authorities to ensure that the rights of migrants in detention are strictly respected. In practice, the authorities, in common with lawyers, can speak directly to detained migrants. The Code of Criminal Procedure establishes that the formality of informing arrested persons of their right to be assisted by a lawyer from the moment of their arrest must be respected, failing which the proceedings will be declared null and void.

Reply to the question raised in paragraph 18

68. Senegal has no administrative detention facilities. When migrants are taken in for questioning, the principle of separation of the sexes is routinely applied, so that men and women are separated. Pregnant or breastfeeding women are cared for by the health services to ensure that their social rights are respected.

Reply to the question raised in paragraph 19 (a)

69. In Senegal, migrant children enjoy the same level of protection, irrespective of their age. The best interests of the child and children's right to family life are taken into account in the measures taken against them in the event that migration law is violated. In other words, no child in Senegal is detained simply for having violated this law.

70. The Government of Senegal, taking into account the best interests of the child and children's right to family life, has launched the Aar Xaleyi programme for getting children off the streets and reintegrating them into society for 2021–2023. This programme places particular emphasis on measures for promoting the family and professional reintegration of children in situations of transnational mobility.

71. In 2021, for example, an emergency operation to secure the safety of children on the streets of the capital was organized, resulting in 1,106 people, including 631 children from the Niger, being taken off the streets and handed over to their consular authorities, who organized their return in accordance with their right to family life, the Convention and the aforementioned joint guidance note, No. 4.

72. In collaboration with OHCHR, Senegal is continuing its efforts to strengthen the national child protection system, particularly in the provision of protection services for migrant children from Guinea-Bissau, Guinea and the Gambia. Over the past two years, 175 children have been identified and reintegrated into their families through the West African Network for the Protection of Children, which is an ECOWAS mechanism for supporting countries in their efforts to assist unaccompanied children in situations of mobility.

Reply to the question raised in paragraph 19 (b)

73. As yet, there is no data on the number of children whose parents of Senegalese nationality are in detention in destination countries.

74. With regard to migrant children who are unaccompanied or separated from their families, the Guinddi Centre took in 1,177 residents in 2022, enabling 418 children, including 137 from countries in the subregion, to be taken off the streets, 392 children to be returned to their families, 524 children, including 93 girls, to receive care, and 419 children, including 45 girls, to undergo training. In addition, the centre supports 451 children (384 boys and 67 girls) in situations of extreme vulnerability through the Child Protection Support Unit.

Reply to the question raised in paragraph 19 (c)

75. The data on migrant children cared for by the Department of Supervised Education is as follows:

- Two children of Ivorian nationality were taken into the centres in November 2022 and were placed in an initial reception centre before being returned to their country in March 2023, in collaboration with the Embassy of Côte d'Ivoire.
- A total of 11 children (4 girls and 7 boys) were repatriated from Libya with their mother in March 2023 before being entrusted to services for the non-institutional supervision of minors; in accordance with a provisional custody order issued by the President of the Juvenile Court, they were placed in the care of close relatives.
- One child from Guinea-Bissau was placed in the initial reception centre in December 2022 and then returned to Guinea-Bissau with the help of the West African Network for the Protection of Children in April 2023.

Reply to the question raised in paragraph 20 (a)

76. Senegal makes every effort to ensure that its nationals' rights to due process and decent conditions of detention are guaranteed. The Directorate General for Support to Senegalese Abroad is informed when a Senegalese national is detained in a foreign country. It then sends a diplomatic representative to ensure that due process safeguards are implemented and, if necessary, to appoint a lawyer to defend the interests of the national concerned.

Reply to the question raised in paragraph 20 (b)

77. The Government of Senegal, with consular assistance, carries out missions to identify Senegalese nationals detained in foreign countries in order to protect their rights and provide them with legal, medical and psychological support.

Reply to the question raised in paragraph 20 (c)

78. Senegal ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2006 and maintains good working relations with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with the Optional Protocol, Senegal established the National Observatory of Places of Deprivation of Liberty in 2009 and has continued to pay close attention to the Subcommittee's recommendations by including a provision in the Criminal Code under which acts of torture are punished (art. 295-1).

79. A regional forum on torture was held in Dakar in January 2023 in partnership with the Subcommittee and the Association for the Prevention of Torture. This regional meeting was attended by stakeholders from countries such as Guinea, the Gambia, Côte d'Ivoire, Benin and Nigeria. The meeting was chaired by the Minister of Justice and served as an opportunity to renew advocacy for the prevention of torture and the ratification of the Optional Protocol.

80. Senegal periodically receives visits from the Subcommittee and regularly requests its advice on all matters relating to the prevention of torture.

Reply to the question raised in paragraph 21 (a)

81. The initial results of the second stage of the programme for getting children off the streets reveal that, between April and June 2018, 339 children aged 7 to 14 years, including 332 *talibés*, were rescued from the streets of Dakar. They include 205 Senegalese children, 99 children from Guinea-Bissau, 25 from the Gambia, 5 from Mali, 3 from Guinea and 2 from the Niger.

Reply to the question raised in paragraph 21 (b)

82. The Government of Senegal is concerned to protect all children, especially those who are at risk. Its services have mapped out the agencies that care for children at risk, identifying 150 reception centres nationwide in 2022. In 2023, in order to better meet children's legal and social protection needs, the Government also reformed the Directorate of Supervised Education and Social Protection, relaunching it as the Directorate of Judicial and Social Protection.

83. In 2020, during the COVID-19 pandemic, unaccompanied children were identified and cared for, with almost 135 children from the subregion being reintegrated into their families in conjunction with the West African Network for the Protection of Children.

Reply to the question raised in paragraph 21 (c)

84. The Government of Senegal has significantly strengthened the financial resources of the Directorate for the Promotion of Children's Rights and Protection and the Directorate of Supervised Education and Social Protection, which became the Directorate of Judicial and Social Protection in 2023. These organizations have received a budget increase as additional resources have been allocated to meet children's needs. This increase has had an impact on the budget of the departmental child protection committees.

85. Following the implementation of the National Plan to Combat Trafficking in Persons 2018–2020, Senegal initiated discussions with ECOWAS States to plan strategies for improving care for children on the move and children in street situations. As a result, cooperation frameworks for the return of children to neighbouring States have been established and the number of police checkpoints at borders increased from 45 in 2014 to 77 in 2018, with at least two new checkpoints being built along the borders with the Gambia and Mali.

86. With regard to human resources, between 2017 and 2019, the National Unit to Combat Trafficking in Persons held several capacity-building sessions for police officers, gendarmes, members of the judiciary, local government officials, local administrative officials, members of child protection committees, Qur'anic teachers and representatives of civil society.

Reply to the question raised in paragraph 22 (a)

87. The bill on the status of Qur'anic schools has been adopted by the Council of Ministers but has not yet come before the National Assembly. Although the National Assembly has not adopted this bill, Senegal began developing a trial of pilot Qur'anic schools in 2015. The trial was launched in 2016 and has been positively evaluated. It will enable the strategy to be extended to 428 new Qur'anic schools, with a further 600 being earmarked for registration. This will bring the total number of Qur'anic schools to 1,127. Steps have been taken to promote the implementation of the Aar Xaleyi programme for getting children off the streets and reintegrating them into society for 2021–2023. Senegal has also launched a programme to provide food to Qur'anic schools. In 2022, 76 Qur'anic schools were provided with basic goods, including rice and hygiene products. The number of beneficiaries stands at 9,207 for the country as a whole.

Reply to the question raised in paragraph 22 (b)

88. The law enforcement measures taken to punish perpetrators of child trafficking include the review of Act No. 2005-06 of 10 May 2005, which led to improvements in criminal law on trafficking in persons, notably by incorporating a new section entitled “Trafficking in persons and the smuggling of migrants” and establishing tougher penalties for migrant smuggling and forced begging.

89. With regard to the efforts made to identify and protect victims of trafficking, the National Unit to Combat Trafficking in Persons organized several training workshops for justice officials in the Kolda, Kaolack, Thiès and Saint-Louis regions. These workshops have further enhanced the ability of these officials to identify victims and provide them with psychological assistance, care and psychosocial support.

90. The Unit has produced a practical guide to help law enforcement officials to identify victims of trafficking.

91. The Unit has also developed standard operating procedures for law enforcement services to use in identifying and referring victims of trafficking in persons and supporting victims during investigations and inquiries.

92. With regard to case law on trafficking in persons, between 2020 and 2021, Senegalese courts issued several decisions based on Act No. 2005-06 of 10 May 2005, including the following:

- Judgment No. 105/2021 of the Kédougou *Tribunal de Grande Instance* (court of major jurisdiction)
- Judgment No. 167/2021 of the court
- Judgment No. 11/2022 of the court

93. In an ongoing case relating to a report drawn up by the Kébémér town police station, Mouhamadou Ramadan Diallo has been prosecuted for exploiting the begging of seven under-age *talibé* children of Guinean nationality.

Reply to the question raised in paragraph 22 (c)

94. With regard to subregional agreements to improve coordination in the fight against child labour, Senegal is a party to the Banjul Declaration and call for action to support child victims of rights violations, adopted on 26 May 2022, which was jointly issued by the ECOWAS member States.

Reply to the question raised in paragraph 23

95. In 2022, over 1,000 migrants from the Niger were repatriated to their country. The group was made up of 413 women, 162 men and 478 children, all of whom were from the Zinder region in the central-eastern part of the Niger.

96. The Governments of Senegal and the Niger explained that these expulsions were carried out to curb the growing problem of child begging.

97. Similar statistical data for migrant workers of Senegalese nationality is not available.

Reply to the question raised in paragraph 24 (a)

98. As yet, there are no plans to create establishments specifically intended for the detention of migrant workers in conflict with the law. Migrants subject to refoulement or expulsion measures are often held on police or gendarmerie premises pending the expulsion proceedings.

Reply to the question raised in paragraph 24 (b)

99. Senegal is considering revising Act No. 71-10 of 25 February 1971 on conditions of admission, stay and settlement with a view to bringing the Act into compliance with the international and regional commitments of Senegal.

Reply to the question raised in paragraph 24 (c)

100. Senegal has established in its positive law that any person who considers himself or herself to have been wronged may bring a case before the court responsible for ruling on abuses of power. In addition, the most recent amendment of the Organic Act on the Supreme Court (No. 2022-16 of 23 May 2022) established the right to refer administrative cases to an interim relief judge. In such cases, administrative decisions, including those relating to expulsion measures, are automatically suspended.

Reply to the question raised in paragraph 24 (d)

101. The State of Senegal takes great care to respect human rights in expulsion proceedings. Human rights capacity-building is now being provided to officials responsible for these proceedings. Expulsion proceedings are considered on an individual basis in order to avoid collective evictions.

Reply to the question raised in paragraph 24 (e)

102. To combat trafficking in persons and exploitation in all its forms, Senegal adopted Act No. 2005-06 of 10 May 2005 on combating trafficking in persons, which was amended in 2023. Senegal subsequently became a signatory to the Regional Strategy to Combat Human Trafficking and Migrant Smuggling (2015–2022) and the Banjul Declaration and call to action to support child victims of human rights violations.

103. Senegal also has a three-year action plan to combat trafficking in persons (2021–2023).

Reply to the question raised in paragraph 25

104. With regard to the transfer of social security contributions, bilateral agreements relating to social security or technical coordination have been entered into with social security agencies to facilitate the settlement or payment of entitlements acquired or in the process of acquisition by migrant workers and members of their families.

105. Social security agreements signed by Senegal are based on the right to equality of treatment between nationals and foreigners and on the retention of the entitlements acquired, or in the process of being acquired, by migrant workers, taking into account their residential mobility. The only exception made is when a migrant worker benefits from a more favourable social security system in his or her country of origin or in another country.

106. Disability benefits, old-age pensions and survivors' pensions can be transferred outside the country and foreign beneficiaries can receive their pensions in their home country, provided that they meet the requisite conditions for entitlement to these benefits. The advantage of this arrangement is that there is no longer any requirement to conclude, in advance, bilateral social security agreements with pension services outside the country of employment.

107. The establishment of a bank or post office payment system is another means of guaranteeing that migrant workers who leave the country of employment receive, for themselves and their families, the benefits arising from past employment in terms of

remuneration, social security and other entitlements, irrespective of their migrant status. The system adopted by Senegal benefits workers returning to their countries of origin and facilitates the transfer of pensions by obviating the need for the beneficiaries to travel in order to collect their pensions. Outsourcing pension payments to banks and post offices has enabled waiting times at the counter to be shortened and the payment transfer period to be reduced from eight to six days.

108. Guaranteeing the rights of migrant workers through legislation or regulations is a significant step forward. Should these rights be violated, migrant workers may report their employer to the labour inspectorate of their place of residence, in the same manner as Senegalese nationals. If an amicable settlement cannot be reached, workers may have recourse to the courts, specifically the Labour Tribunal.

Reply to the question raised in paragraph 25 (a)

109. The inclusion of social security provisions in agreements is a major concern for the Government of Senegal. It has already signed bilateral social security agreements with France and Spain.

Reply to the question raised in paragraph 25 (b)

110. Aside from the bilateral agreement with France, there are currently no plans to renegotiate the bilateral agreements signed by Senegal with the other countries mentioned. However, Senegal has signed an inter-institutional payment agreement with Gabon. Negotiations with Italy were unsuccessful.

Reply to the question raised in paragraph 25 (c)

111. In order to extend social security coverage to the families of Senegalese nationals working abroad, several bilateral and multilateral social security agreements have been signed.

112. The bilateral agreements include the agreement signed between Senegal and France on 29 March 1974, which was followed by a supplementary agreement signed in 1999. Negotiations to conclude a new social security agreement between the two countries are under way.

113. Other agreements include the general social security agreement between Mali and Senegal, signed on 2 July 1974, the general social security agreement with Mauritania, signed on 5 December 1987, and the social security agreement with Cabo Verde, signed on 12 March 1998.

114. On 21 December 2021, the National Assembly, acting pursuant to Act No. 15/2021, authorized the President of the Republic to ratify the social security agreement with Spain signed in 2020.

115. With regard to multilateral social security agreements, Senegal has signed the General Convention on Social Security of ECOWAS, adopted in 2013 by the Assembly of Heads of State and Government; the Multilateral Convention on Social Security of the States members of the Inter-African Conference on Social Security, signed in Dakar on 23 February 2006; and the Multilateral Convention on Social Security of the Inter-African Conference on Social Security for the 17 States members of the Conference.

116. To date, the Convention of the Inter-African Conference on Social Security has been ratified by eight States: Burkina Faso, Benin, the Central African Republic, the Congo, Mali, the Niger, Togo and Senegal.

117. Senegalese social security institutions may also enter into inter-institutional payment agreements. These agreements set out the terms and conditions governing the payment of benefits to beneficiaries who have transferred their place of residence to Senegal or to the other country party to the agreement.

118. The Retirement Insurance Institution of Senegal, for example, has signed payment agreements with the social security funds of Togo, Benin, Guinea, Burkina Faso, Mali and Côte d'Ivoire.

Reply to the question raised in paragraph 25 (d)

119. There are currently no specific plans to provide social security coverage to the 83 per cent of women who work in the informal sector.

120. However, the plans to extend social security to workers in the informal economy, in particular the simplified scheme for smaller taxpayers, take into account the needs of working women in the sense that the scheme provides for maternity benefits.

121. In order to speed up the implementation of the scheme, the National Mutual Benefit Society of Craft Workers of Senegal has been set up to provide workers in this sector with coverage for retirement, occupational accidents and diseases, and maternity. Under the pilot phase of the project, which began in 2019, craft workers were provided with health cover.

Reply to the question raised in paragraph 26

122. Senegal has taken important steps to implement article 30 of the Convention, which relates to the fundamental right of access to education. The second strategic focus of the Programme to Improve Quality, Equity and Transparency addresses the issue of equity in access to education. In Senegal, migrant children have the same right of access to education as nationals. In 2022, for example, the State enrolled 19 migrant children in schools by means of an international transfer, including some who did not have a birth certificate.

123. Data taken from the National Report on the State of Education 2022 show that Senegal has made significant efforts to guarantee access to education in general, enabling 7,713 migrant children and children in street situations to be enrolled (503 in early years education, 4,746 in primary school and 2,464 in secondary school).

Reply to the question raised in paragraph 27

124. Migrant workers have virtually the same trade union rights as nationals. They may join a trade union under the same conditions as nationals and have access to administrative and management roles in trade unions, provided that they have been resident in the country for five years and that a reciprocal provision has been established (Labour Code, art. L.9).

125. The only difference between the right of association of foreigners and nationals is that the former must obtain prior authorization for demonstrations instead of simply announcing that they are to take place (Code of Civil and Commercial Obligations, arts. 823, 824 and 825).

Reply to the question raised in paragraph 28

126. There is no data on migrant workers reuniting with their families in Senegal.

127. However, the presence of large numbers of migrant families in Senegal shows that the country is doing its utmost to facilitate the reunion of migrant workers with their families.

Reply to the question raised in paragraph 29 (a)

128. Senegal has concluded several partnership agreements with financial institutions to facilitate the transfer of migrant workers' earnings and savings. The purpose of these agreements is to improve migrant workers' access to financial services and strengthen their social protection. They include a partnership agreement with the African Development Bank signed in 2018 to improve social protection and access to financial services for migrant workers. The agreement provides for the establishment of a guarantee fund for migrant workers wishing to invest in productive projects.

129. The Central Bank of West African States has a programme to promote the financial inclusion of migrants that was launched in 2018 to facilitate the financial inclusion of migrants in the WAEMU countries, which include Senegal. The purpose of the programme is to improve migrant workers' access to financial services, such as bank accounts, money transfers and savings products.

Reply to the question raised in paragraph 29 (b)

130. Senegal has established a legal and institutional framework to encourage Senegalese migrant workers and members of their families to acquire the skills that they need to invest in income-generating activities. For example, the National Youth Employment Agency was set up to help young people in Senegal to enter the labour market, offering services in the areas of career guidance, training, job placement and business start-up support services to young residents and migrants.

131. Senegal has also introduced policies to encourage people to save, including by adopting regulation No. 009/1998/CM/UEMOA of WAEMU relating to the external financial relations of WAEMU member States. This instrument facilitates the transfer of CFA francs, without hindrance, within the WAEMU zone.

Reply to the question raised in paragraph 30

132. There are no national laws governing the operation of private agencies that find employment for migrant workers abroad. However, plans are in place to fill this gap in the law as part of the general reform of the Labour Code.

Reply to the question raised in paragraph 31

133. Senegalese law contains a number of provisions to combat the illegal recruitment of migrant workers. For example, article L.223 of the Labour Code governs employment services, while article L.228 prohibits jobseekers from paying for registration, recruitment or any other related services.

134. Article L.33 of the Labour Code establishes a series of procedures that must be followed when a worker is placed in a job outside his or her usual place of residence, including measures to verify the agreed working conditions, the worker's identity and consent, and the compliance of the employment contract with the applicable labour provisions.

135. The bill on the amendment of the Labour Code provides for the strengthening of the legal means available to labour inspectors to combat the illegal recruitment of migrant workers.

136. The Ministry of Labour regularly monitors compliance with the legal provisions governing the admission to employment of foreign nationals in Senegal.

Reply to the question raised in paragraph 32

137. In Senegal, "any discrimination between men and women regarding employment, wages and taxation is prohibited." This constitutional principle is enshrined in other laws, such as Act No. 97-17 of 1 December 1997 establishing the Labour Code, article 11 of which provides that: "The right to work is recognized as an inviolable right of every citizen. The State shall make every effort to help citizens to find and maintain employment. It shall ensure equality of opportunity and treatment of citizens with respect to access to vocational training and employment without distinction as to origin, race, sex or religion."

138. The second priority action plan of the Emerging Senegal Plan features a commitment by Senegal to review the National Strategy for Gender Equality and Equity (2016–2026) to reinforce the gender strategy of WAEMU, whose purpose is to help promote a community-based institutional environment conducive to gender equality and equity in the economic, political, social and cultural spheres.

Reply to the question raised in paragraph 33

139. Over the last five years, Senegal has signed several agreements with destination and transit countries. For instance, a bilateral social security agreement between Spain and Senegal was signed on 22 November 2020.

Reply to the question raised in paragraph 33 (a)

140. A survey of the memorandums of understanding and bilateral agreements with countries hosting Senegalese migrant workers has not yet been carried out. However, consideration is being given to the possibility of rethinking all these agreements, taking into account article 22 on collective expulsions and article 67 on the voluntary return of migrant workers.

Reply to the question raised in paragraph 33 (b)

141. No joint activities to control migration flows in southern Senegal are carried out by the defence and security forces and the Spanish Civil Guard, which does not have a permanent base. However, detachments of Dakar-based personnel often carry out joint operations with units of the gendarmerie company in Ziguinchor.

Reply to the question raised in paragraph 33 (c)

142. As part of the measures taken to implement migration policy, the Interministerial Committee to Combat Irregular Migration regularly consults civil society organizations.

143. At a workshop held in November 2022, observations made by civil society organizations on a number of issues, including the recruitment of Senegalese migrants to work abroad, were gathered.

Reply to the question raised in paragraph 33 (d)

144. In order to give effect to the ECOWAS common policy on migration, Senegal has undertaken to conclude bilateral and multilateral agreements with several States in the subregion where large numbers of Senegalese migrants live.

145. These agreements, which are currently being negotiated, should guarantee respect for the social, economic and cultural rights of Senegalese migrants and members of their families.

146. For example, on 20 June 2019, a South-South cooperation agreement on migration was established between Senegal, Morocco, Cote d'Ivoire and Mali.

Reply to the question raised in paragraph 34

147. Senegal ensures that expulsions to its country are carried out with respect for human dignity. Where ill-treatment is found to have occurred, the perpetrators are prosecuted. In 2021, for example, a young Senegalese man (Abdou) filed a complaint with the European Court of Human Rights against the Government of Spain.

Reply to the question raised in paragraph 34 (a)

148. Supporting returned migrants is a priority for Senegal. For this reason, a number of projects and programmes that promote the reintegration and economic integration of returned migrants are being implemented.

149. Within the framework of bilateral cooperation between Senegal and Germany, conducted through the German Agency for International Cooperation, support measures have been put in place to facilitate the reintegration of returned migrants.

150. Under the Assisted Voluntary Return and Reintegration Programme, Senegal is the leading beneficiary in Africa of reintegration assistance from the French Office for Immigration and Integration, with 127 cases of such assistance recorded in 2021, including 67 during COVID-19 pandemic. In this connection, the Directorate General for Support to Senegalese Abroad has set aside CFAF 850 million for returned migrants and their families.

151. Since 2018, within the framework of efforts to decentralize migration policies, Senegal has received funding from the European Union Emergency Trust Fund for Africa to implement the Governance, Migration and Development Programme. The purpose of this programme, which is implemented jointly by the Directorate General for Support to Senegalese Abroad and the Spanish Agency for International Development Cooperation, is to strengthen the inclusive governance of migration in Senegal with a view to improving the

synergy between migration and development through initiatives that support the institutional capacity-building of agencies responsible for migration at all levels.

Reply to the question raised in paragraph 34 (b)

152. The project to increase support for Senegalese nationals returning to the country and South-South cooperation in the area of migration was not launched until April 2021. Its impact has not yet been evaluated.

153. With regard to data on the functioning of migrant reception and referral offices, it should be noted that 14 reception, referral and follow-up support offices have been set up by the Directorate General for Support to Senegalese Abroad in regions of Senegal such as Dakar, Diourbel, Fatick, Kaolack, Kolda, Louga, Matam, Saint-Louis, Tambacounda, Thiès, Ziguinchor, Sédhiou, Kaffrine and Kédougou.

154. The Governance, Migration and Development Programme has funded 20 national projects and 60 regional projects, with an overall budget of CFAF 1 billion in the country's 14 regions.

Reply to the question raised in paragraph 35

155. To better address the issue of migration, ECOWAS member States have developed cooperation initiatives at community level. This is the case, for example, with the ECOWAS Common Approach on Migration.

156. Furthermore, in 2021, following the approval of the ECOWAS Cross-Border Initiatives Programme by the Council of Ministers, the representatives of the member States held discussions on the details of implementation.

157. In addition, the project to support the free movement of people and migration in West Africa, initiated by Senegal, has been co-financed by ECOWAS and the European Union.

Reply to the question raised in paragraph 36

158. Senegal has a specific capacity-building programme for members of the judicial system and teachers. The National Unit to Combat Trafficking in Persons has organized several training workshops for those responsible for enforcing laws on trafficking in persons and migrant smuggling.

159. These workshops were held in different parts of the country, including:

- Joint training workshop for members of the judicial system on trafficking in persons from 22 to 24 March 2022 in Saint-Louis
- Training workshop for those in charge of protection against trafficking in persons and migrant smuggling, from 9 to 11 June 2021 in the Kaolack region
- Training for judges (latest graduating class) on respect for human rights in combating trafficking in persons at the Judicial Training Centre in Dakar

160. Training courses for health-care providers and embassy and consular personnel have not yet been organized.

161. The Government of Senegal has set up an information system, called Systraité, to collect all data relating to trafficking in persons (prosecutions, judgments, information on victims and human traffickers, etc.), in order to produce statistics for better monitoring and decision-making. The system is being rolled out in five pilot regions: Dakar, Kédougou, Saint-Louis, Tamba and Thiès. Systraité is a secure online server, accessible to all authorized users, which breaks down data by age, gender, nationality, origin, migration status and other characteristics.

Reply to the question raised in paragraph 37

162. Senegal has enacted Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and on the protection of victims. This law is about to be revised to make it more effective in combating trafficking.

163. The preliminary bill aimed at revising the Act seeks to improve criminal legislation to combat trafficking in persons, migrant smuggling and the exploitation of the begging of others, by providing a clearer definition of the terms used in these forms of crime, making commercial carriers criminally liable and increasing the applicable penalties.

164. As regards cross-border management agreements, Senegal is a party to the Framework Agreement on Cooperation in Security and Intelligence Matters between WAEMU member States. This agreement aims to foster cooperation in several areas, including illegal or irregular migration, people smuggling and trafficking in persons, particularly women and children.

Reply to the question raised in paragraph 37 (a)

165. Senegal has been committed to the fight against trafficking in persons for over a decade, strengthening its legal framework with Act No. 2005-06 of 10 May 2005 on trafficking in persons and similar practices and the protection of victims. In addition, the Government of Senegal adopted Decree No. 2023-920 of 26 April 2023 setting out the missions, composition, organization and operation of the National Committee to Combat Trafficking in Persons and Protect Victims and Witnesses.

166. The major new development introduced by the 2023 decree is the creation of a compensation fund specifically dedicated to victims of trafficking.

Reply to the question raised in paragraph 37 (b)

167. The National Unit to Combat Trafficking in Persons has done a great deal of work over the last five years.

168. In terms of prevention, in addition to celebrating World Day against Trafficking in Persons on July 30 each year, the Unit has organized a round table on child trafficking, resumed the mapping of *daaras* (Qur'anic schools), developed a communication and advocacy strategy on trafficking in persons and carried out field missions in various towns, including Saint-Louis, Mbour and Kédougou. The Unit has also overhauled its website and produced a practical guide for law enforcement officers.

169. In terms of protection, the Unit has succeeded, with the help of the defence and security forces, in dismantling several trafficking networks, has taken hundreds of children off the street and has developed standard operating procedures for law enforcement services with respect to identification, referral of victims of trafficking in persons and support for victims during the inquiry and investigation.

170. In terms of capacity-building, the Unit has helped to strengthen the skills of members of the judiciary system at the appeal courts of Saint-Louis, Kaolack and Ziguinchor and of trainees at the Dakar Judicial Training Centre.

171. Lastly, in the area of research and monitoring and evaluation activities, the Unit made a major contribution to the universal periodic review report, assessed Act No. 2005-06 with a view to proposing its revision, received a visit from the United States Department of State on child trafficking and from the rapporteur of Working Group No. 4 on the migration policy letter.

Reply to the question raised in paragraph 37 (c)

172. The Interministerial Committee to Combat Irregular Migration, tasked with considering and drawing up a national strategy and operational plan to combat irregular migration, has made trafficking in migrants a major concern. This is why the national strategy to combat irregular migration and the training given to Committee members deal extensively with the issue of migrant smuggling.

173. The Committee also organizes assistance and protection programmes for vulnerable migrants disembarking at sea, in collaboration with the International Organization for Migration.

174. Awareness-raising activities on migrant trafficking were carried out in 2023 in Bedenti and Saint-Louis.

Reply to the question raised in paragraph 37 (d)

175. With a view to harmonizing its national legislation with the Convention, Senegal adopted Act No. 2005-06 of 10 May 2005 on trafficking in persons and similar practices and the protection of victims, and a new national Interprofessional Collective Agreement signed on 30 December 2019, article 19 of which prohibits discrimination in all its forms. In addition, Senegal, in accordance with its commitments under the Agreement, recognizes the freedom of migrant workers to join a trade union of their choice (Labour Code, art. L.9). In addition, the Investment Code recognizes the right of migrant workers to transfer money or pay to their country of origin (arts. 6 and 7).

Reply to the question raised in paragraph 39 (a)

176. With regard to its policy of managing and promoting Senegalese living abroad, the Ministry of Foreign Affairs and Senegalese Living Abroad has drawn up a strategic guidance and operational action plan. This document, which serves as an introductory handbook, makes it easier for Senegalese living abroad to obtain residence permits. There is also a systematic reduction in the time taken to apply for passport renewals, and the streamlining of conditions of stay for our compatriots abroad, and for all Senegalese. As a result, the number of centres abroad for issuing passports will rise from 8 to 16 and offices for processing via diplomatic pouch from 8 to 22.

Reply to the question raised in paragraph 40

177. Senegal, having adopted a law on the status of refugees and stateless persons in 2022, is about to issue the implementing decrees relating to this law.

Reply to the question raised in paragraph 40 (a)

178. The procedures for determining refugee status are clearly defined in Act No. 01-2022 of 5 April 2022. A person's eligibility for refugee status is determined by decree upon a decision of the National Commission for Refugees and Stateless Persons, which is subject to appeal, with automatic suspensive effect. As regards the time limit for processing applications for refugee status, the aforementioned law does not provide for this, but this gap could be filled with the implementing decrees.

Reply to the question raised in paragraph 40 (b)

179. The implementing decrees, to be issued at a later date, will determine whether the application can first be registered at the border posts and then forwarded to the National Commission for Refugees and Stateless Persons.

B. Ratification and dissemination**Reply to the question raised in paragraph 41 (a)**

180. The protocols referred to in the question raised in the paragraph have not yet been ratified by Senegal.

Reply to the question raised in paragraph 41 (b) (i) and (ii)

181. The International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), have not yet been ratified, but Senegal has just completed the technical validation of its national migration policy.

Reply to the question raised in paragraph 41 (b) (iii)

182. The ILO Domestic Workers Convention, 2011 (No. 189), has not yet been ratified, but Senegal has begun the process of improving regulations on domestic workers and promoting domestic work in accordance with Convention No. 189.

Reply to the question raised in paragraph 41 (b) (iv)

183. The Protocol of 2014 to the Forced Labour Convention, 1930, has not been ratified. However, Senegalese law prohibits forced labour under article L.4 of the Labour Code.

Reply to the question raised in paragraph 41 (b) (v)

184. This protocol has not been ratified.

Reply to the question raised in paragraph 42 (a)

185. Senegal is a country facing a shortfall in the production and analysis of migration statistics. Data on migration is both incomplete and often provided irregularly.

186. However, in line with the guidelines of the 2018 Global Compact for Safe, Orderly and Regular Migration, whose first objective is to collect and utilize accurate and disaggregated data as a basis for evidence-based policies, the Government of Senegal updated its migration profile in 2018, including the creation of a report on short-term migration statistics in Senegal.

187. The National Agency for Statistics and Demography has developed a national strategy for the development of statistics for the period 2019–2023, whose aim is to have a stable, well-coordinated national statistical system with good coverage, including a migration component.

188. In addition, the Ministry of the Interior, which plays an important role in the management of migration flows, established the Interministerial Committee to Combat Irregular Migration by Order No. 002957 of 25 February 2021, one of whose tasks is to centralize all data relating to irregular migration.

189. A data collection and analysis centre has been set up and data on migration flows has been collected since 2022.

Reply to the question raised in paragraph 42 (b)

190. With a view to disseminating the Convention and enabling people to take ownership of it, the Government of Senegal has set up an online site to inform persons working in fields linked to migration, migrants who have settled in Senegal and Senegalese nationals living abroad of the legislation and programmes introduced by the Government.

191. Senegal celebrates World Migrants Day on December 18 each year by organizing awareness-raising activities and, through the Interministerial Committee to Combat Irregular Migration, is building the capacity of the defence and security forces and civil society organizations. Training and awareness-raising workshops on the Convention have also been organized for members of the judicial system in the appeal courts of Thiès, Saint Louis, Ziguinchor and Kaolack.

192. Similar training courses are provided by the National Unit to Combat Trafficking in Persons for various actors (judges, police, journalists, border agents) to help them better understand and apply the concepts relating to trafficking.

Reply to the question raised in paragraph 42 (c)

193. Senegal has a National Advisory Council on Human Rights and International Humanitarian Law, which is the national mechanism for drafting reports and following up recommendations. In essence, it is a forum for sharing the observations made by the Committee to the Government of Senegal. In addition to government representatives, it brings together members of civil society, who are constantly informed of the status of implementation of the provisions of the Convention by Senegal.

Reply to the question raised in paragraph 42 (d)

194. With a view to taking better account of the phenomenon of migration, courses on transnational crime and terrorism, followed by a series of seminars on trafficking in persons and migrant smuggling, are now being taught at Gaston Berger University in Saint-Louis.

195. Academics are increasingly encouraging students to carry out research (theses, papers, articles) on the feminization of migration in order to overcome the lack of literature on the subject.

196. In addition, Senegal has funded research into the issue of migration through the Ministry of Higher Education, Research and Innovation.

C. Data, official estimates, statistics and other information

Reply to the question raised in paragraph 43 (a)

197. Statistical data on migration movements to and from Senegal over the last five years, according to the National Division to Combat the Smuggling of Migrants and Related Practices, is as follows:

(a) In 2018, 2,549,621 entered Senegal, including 1,282,549 foreigners and 1,267,072 nationals; in contrast, 2,497,575 left the country, including 1,074,372 foreigners and 1,314,355 nationals;

(b) In 2019, 2,207,289 entered the country, including 1,055,434 foreigners and 1,151,855 nationals; in contrast, 2,298,920 left the country, including 1,074,372 foreigners and 1,224,548 nationals;

(c) In 2020, 1,598,542 people entered the country, including 991,709 foreigners and 606,833 nationals; in contrast, 1,138,189 left the country, including 532,678 foreigners and 605,511 nationals;

(d) In 2021, 133,263 people entered the country, including 56,665 foreigners and 75,598 nationals; in contrast, 130,494 left the country, including 54,818 foreigners and 75,676 nationals;

(e) In 2022, 2,609,871 people entered the country, including 1,280,365 foreigners and 1,329,506 nationals; meanwhile, 2,529,610 left the country, including 1,222,568 foreigners and 1,307,042 nationals.

198. Regarding the nature of migration movements, the biannual report of the National Agency for Statistics and Demography, No. 2 of 2019, provided the following results:

- Visits from family and friends (27 per cent)
- Official visits (22 per cent)
- Returns of residents (14 per cent)
- Holidays or tourism (11 per cent)
- Business (4 per cent)
- Conferences (3 per cent)
- Pilgrimages or religious activities (1 per cent)
- Health care (1 per cent)
- Unspecified reasons (17 per cent).

199. The same trends were observed for exits. These include:

- Visits from family and friends (22 per cent)
- Official travel (18 per cent) ;
- Holidays or tourism (13 per cent)
- Returns of residents (10 per cent)
- Business (5 per cent)
- Conferences (2 per cent)
- Pilgrimages or religious activities (2 per cent)

- Health care (1 per cent)
- Unspecified reasons (27 per cent).

Reply to the question raised in paragraph 43 (b)

200. Data on the number of migrants in detention in Senegal is not available. However, it is known that, as at 26 June 2023, out of a total of 13,284 inmates, 1,111, or 8.36 per cent, were foreign nationals.

201. With regard to migrant workers who are Senegalese nationals detained abroad, the joint mission of the Ministry of the Interior and the Ministry of Foreign Affairs and Senegalese Abroad currently under way should make it possible to determine their number and whether their detention is immigration-related.

Reply to the question raised in paragraph 43 (c)

202. As statistical data from the Prison Administration Directorate is not disaggregated, information on the location and average length and conditions of detention of migrant workers in Senegal is not available.

Reply to the question raised in paragraph 43 (d)

203. Information on the number of unaccompanied migrant children or migrant children separated from their parents is not available. However, as part of the “Zero Children on the Street” programme, 134 children of foreign nationality, including 99 children from Guinea-Bissau, 25 from the Gambia, 5 from Mali, 3 from Guinea and 2 from the Niger, were taken in and placed in reception centres.

204. In addition, the Aar Xaleyi programme for getting children off the streets and reintegrating them into society for 2021–2023 has rescued 418 children from the streets, including 137 from countries in the subregion.

Reply to the question raised in paragraph 43 (e)

205. Information on the number of Senegalese nationals still present in Libya and wishing to be repatriated is not available. However, from 1 November 2021 to 31 July 2022, Senegal repatriated 15 of its nationals.

Reply to the question raised in paragraph 43 (f)

206. Despite the existence of a centralized data-collection system on trafficking in persons and migrant smuggling (Systraité), the information available is incomplete and irregularly collected.

207. On the other hand, data from the Air and Border Police Directorate has produced the following results for the last five years:

Migrant smuggling and trafficking in persons

<i>Offences</i>	<i>Recorded</i>	<i>Arrested</i>	<i>Referred</i>	<i>Nationalities</i>
Smuggling of migrants	43	1 290	133	Senegalese, Malians, Guineans, Gambians
Smuggling of migrants by air	93	438	145	Senegalese, Malians, Guineans, Gambians, Comorians, Ivorians, Sri Lankans, Sierra Leoneans
Trafficking in persons	8	46	10	Senegalese
Average age		25–50 years	25–50 years	

Source: National Division to Combat the Smuggling of Migrants and Related Practices.

208. With regard to prosecutions, it should be noted that several decisions relating to trafficking in persons were handed down between 2020 and 2021. They include:

- (a) Judgment No. 105/2021 of the Kédougou *Tribunal de Grande Instance* (court of major jurisdiction);
- (b) Judgment No. 167/2021 of the court;
- (c) Judgment No. 11/2022 of the court;
- (d) Judgment No. 836/2021 of the Dakar *Tribunal de Grande Instance Hors Classe* (special court of major jurisdiction).

Reply to the question raised in paragraph 43 (g)

209. In 2022, the legal aid office provided legal representation for migrant workers in six cases.

Reply to the question raised in paragraph 43 (h)

210. According to the Balance of Payments and International Investment Position Manual of the International Monetary Fund 2020, remittances from Senegalese emigrants amounted to CFAF 1.487.5 billion in 2019. Estimates for 2020 point to a 4 per cent fall in remittances compared with 2019 owing to the impact of the COVID-19 pandemic on migration flows and the employment of Senegalese emigrants.

211. In 2021, remittances from the Senegalese diaspora are estimated at CFAF 1.421 billion.

Reply to the question raised in paragraph 43 (i)

212. Senegal has introduced major amendments to its Constitution and Electoral Code to help Senegalese migrants effectively enjoy their right to participate in public affairs, including the right to vote and stand for election.

213. After introducing the concept of representation of Senegalese abroad into the Constitution (art. 59), Senegal adopted Act No. 2021-35 of 23 July 2021 enacting the Electoral Code, which settled the question of the number of deputies from the diaspora through article L-150.

214. Thus, out of a total number of 165 deputies making up the National Assembly, 15 come from the administrative divisions outside the country which, according to article L-105, third paragraph, include the following: West Africa; North Africa; Central Africa; Southern Africa; Western, Central and Northern Europe; Southern Europe; the Americas and Oceania; and Asia and the Middle East.

215. In addition, article L-306 of the Act provides that votes are to be organized in these divisions when the number of Senegalese registered on the electoral roll of the diplomatic or consular representation reaches 200.

Reply to the question raised in paragraph 43 (j)

216. With regard to bilateral agreements on migration management, Senegal has an agreement with Qatar on the regulation of the employment of Senegalese workers. The aim was to develop legal migration between the two countries.

217. In addition to the Gulf States, Senegal is at an advanced stage of discussions with Tunisia with a view to signing an agreement of this type.

218. On the other hand, discussions on an agreement with Saudi Arabia and the United Arab Emirates have not been successful.

Reply to the question raised in paragraph 44

219. The decision of the Government of Senegal to adopt a 10-year migration strategy (2023–2033) with a 3-year action plan is a major step towards implementing the provisions of the Convention.

220. Senegal does not currently have plans to make the declarations provided for under articles 76 and 77 of the Convention.
